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U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF ANIMAL INDUSTRY—BULLETIN No. 43.

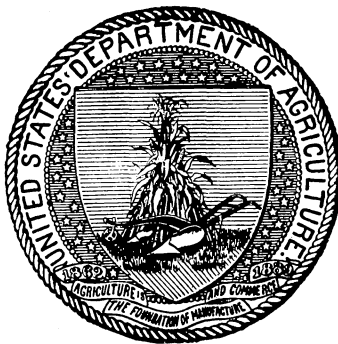
D. E. SALMON, D. V. M., Chief of Bureau.

STATE AND TERRITORIAL LAWS

RELATING TO

CONTAGIOUS AND INFECTIOUS DISEASES OF ANIMALS.

1901.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.

1902.

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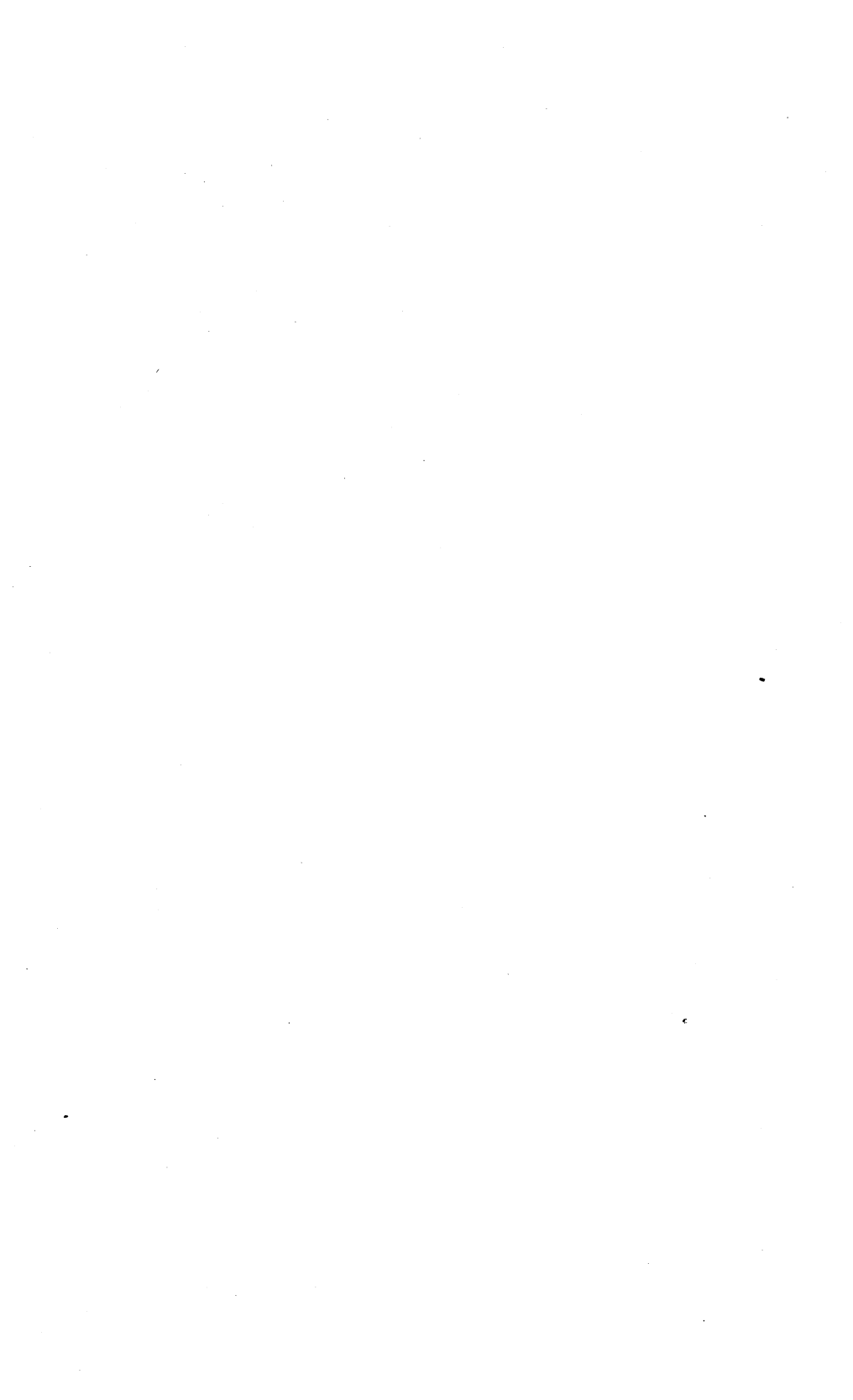
U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., July 22, 1902.

SIR: I have the honor to transmit herewith copies of State and Territorial laws relating to contagious and infectious diseases of animals which were enacted during the year 1901, and suggest that these be published as Bulletin No. 43 of this Bureau. Heretofore it has been the custom to publish these laws biennially in the report of this Bureau, but they have become so voluminous that they take up much space in that volume which it is deemed can be better utilized for articles of more general interest. While it is important that these laws be published, it is believed that a limited edition in bulletin form will answer all requirements.

Respectfully,

D. E. SALMON,
Chief of Bureau.

Hon. J. H. BRIGHAM, *Acting Secretary.*



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LAWS FOR THE CONTROL OF CONTAGIOUS DISEASES OF ANIMALS.

ARIZONA.

AN ACT Entitled "An act to amend an act to codify and revise the laws with reference to live stock," being act 6, of the nineteenth legislative assembly of the Territory of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

Amending law of 1897. SECTION 1. Amend section 2, eighth line, by striking out the words "twelve hundred" and insert in place thereof "eighteen hundred."

SEC. 2. Amend section 15, last line, by striking out the word "fifty" and insert in place thereof "one hundred."

SEC. 3. Amend section 37 to read as follows:

Slaughter license, bond, etc. "Any person or persons, firm, or corporation engaged in the slaughter of live stock for sale in this Territory, shall slaughter all such animals in a fixed and definite slaughterhouse or slaughter pen, to be kept by such person or persons for that purpose; and before such person, persons, firm, or corporation shall begin, enter upon, or carry on the business of slaughtering any neat or horned cattle, swine, sheep, or goats for sale, or for the sale of meat, or selling or exposing for sale the meat of such animals in the Territory of Arizona, such person, persons, firm, or corporation shall first procure from the live stock sanitary board a license to operate such slaughtering business, and to sell or expose for sale such meat, under the conditions and upon payment of the fees herein provided, and after procuring such license, and before engaging in such business, such person, or persons shall execute upon a blank form furnished by the said board a bond with two or more good and sufficient sureties to the Territory of Arizona in the penal sum of one thousand dollars (\$1,000), to be approved by the chairman of the board of supervisors of the county in which such business is to be carried on, conditioned that such person, persons, firm, or corporation shall not slaughter or expose for sale any neat animal or the meat thereof without first being the legal and equitable owner thereof, as well in law as in fact, and in case such person, persons, firm, or corporation shall slaughter or sell or expose for sale any neat animal, or the meat thereof as aforesaid, shall pay therefor double the value of any such animal, the same to be recovered by action on the said bond in the name of the true owner of such animal; the amount so recovered shall be paid as follows: One-half to the owner of such animal, one-fourth to the inspector or person discovering the wrongful possession or slaughtering of such animal, and the remaining one-fourth to the license and inspection fund herein provided for; and the compliance with all the provisions of this act applying to butchers.

"The live stock sanitary board shall grant to each and every applicant therefor, upon the payment of the fees herein provided, a license to slaughter horned and neat cattle, swine, sheep, and goats as may be set forth in such application for the term of one year from the date that such license is granted. If the business is to be carried on within, or within four miles of, any town of more than five thousand inhabitants, the applicant shall pay to the board the sum of one hundred and fifty dollars (\$150) for a license to operate such business of slaughtering, at a fixed and definite slaughtering place; in case the business is to be carried on within, or within four miles of, any town or village of more than three thousand and less than five thousand inhabitants, the applicant shall pay to the board one hundred and twenty dollars (\$120) for such slaughtering license; in case the business is to be carried on within, or within four miles of, any town or village of over one thousand and less than three thousand inhabitants, the applicant shall pay to the board ninety dollars

(§90) for such slaughtering license; and in all other cases thirty dollars (§30) for such slaughtering license: *Provided*, That all persons, firms, or corporations engaged in the said business prior to the passage of this act shall be allowed thirty days from and after the passage of this act in which to procure such license and file such bond. Each and every license issued under this act shall be for one specific place of business, and the location of the place of business for which it is issued shall be stated therein.

"The applicant for such license shall make written application to the board therefor, and state in his application where his slaughterhouse or slaughter pen is or will be located during the term for which such license is issued, and he shall not, during the term for which such license is issued, slaughter any neat or horned cattle, swine, sheep, or goats at any other place than that specified in his license: *Provided*, That if for any reason the holder of a license desires to change the location of any such slaughtering place he shall apply to the said board to have such license transferred to cover such change. And said board shall reissue such license on application therefor for the unexpired term of such license: *Provided*, That any person, persons, firm, or corporation who shall slaughter or cause to be slaughtered more than two head of cattle or more than six head of hogs, sheep, or goats for the sale of meat in any one month shall be considered butchers within the meaning of this act."

SEC. 4. Amend section 39, in the eleventh line, by striking out the word "twenty," and in the thirteenth and fourteenth lines by striking out the words "which amount shall be deducted from the purchase price," and in the fifteenth line by striking out the word "ages."

SEC. 5. Amend section 40, the tenth line, by striking out the word "twenty."

SEC. 6. Amend section 41 to read as follows:

License and inspection fund. "All moneys received by the board for the licenses provided for in this act shall be turned over to the Territorial treasurer to be deposited in a special fund, to be known as the 'license and inspection fund,' and such fund shall be subject only to warrants drawn by the Territorial auditor on demand of the chairman of the live stock sanitary board, duly countersigned by the secretary, for the payment of slaughterhouse inspectors: *Provided*, That no slaughterhouse inspector shall receive less than fifty per cent or more than ninety per cent per annum of all such license fees paid from or within his district. Such payments to be made quarterly, and any and all balance remaining in such fund after paying such warrants shall, at the end of each fiscal year, be turned over to the general fund of the Territory, on demand of the said board."

Untagged hides must not be purchased. "It shall be unlawful for any trader or other person to purchase or otherwise acquire possession of any hide of horned or neat cattle until the same shall have been inspected and tagged, as required by the provisions of this act, and the possession of any untagged hide shall be considered prima facie evidence of a misdemeanor, unless the person possessing such hide can show that the same was taken from an animal owned by him at the time of slaughter or death, or that he had written authority from the owner to remove such hide from the animal."

SEC. 7. Amend section 42, in the sixth and seventh lines, by striking out the words "ages and weight."

SEC. 8. Amend section 43, first line, by striking out the words "railroad company," and insert in place thereof the words "person or common carrier," and in the third and fourth lines by striking out the words "railroad company" and inserting in place thereof the words "person or common carrier."

SEC. 9. Amend section 44 to read as follows:

Owners must have mark and brand. "Every person, firm, company, or corporation owning horses, mules, asses, or neat cattle in this Territory shall have and adopt a mark and brand for such animals, and every person, firm, company, or corporation owning sheep and goats in this Territory shall have and adopt an earmark or brand, or both, different from his neighbor, and, as far as practicable, different from any other earmark or brand in the Territory, by which they [the animals] shall be marked and branded, after such earmark or brand shall have been recorded as required by this act: *Provided*, That any and all brands and earmarks of sheep and goats now on record in the office of the live-stock sanitary board are hereby legalized."

SEC. 10. Amend section 58 by inserting the words "upon demand of purchase" at the beginning of section.

SEC. 11. All the acts and parts of acts in conflict with this act are hereby repealed.

SEC. 12. The repeal of the foregoing sections, acts, and parts of acts shall in no way affect any rights that have accrued, or any actions pending.

SEC. 13. This act shall take effect and be in force from and after its passage.

Approved March 21, 1901.

REVISED STATUTES, 1901. TITLE 42. LIVE STOCK.

Live-stock sanitary board. SECTION 1. Three commissioners identified with and experienced in the live-stock interests of the Territory of Arizona shall be appointed by the governor, with the advice and consent of the legislative council, who shall constitute the live-stock sanitary board of the Territory of Arizona.

Qualification of members. SEC. 2. Before entering upon the duties of his office each commissioner shall take and subscribe to the oath of office according to law, and file the same with the secretary of the Territory; and each commissioner before entering upon the performance of his duties shall execute a bond in the sum of two thousand dollars (\$2,000), conditioned that he will faithfully perform the duties of his office, which bond shall be approved by the governor and filed in the office of the secretary of the Territory.

Term of office. The term of office of the first commissioner named by the governor shall be for three years from the first day of April, 1897; the second one named shall be for two years, and the third one named shall be for one year from said first day of April, 1897, and the successors of each shall be appointed for the term of three years thereafter. The governor shall have power to fill vacancies in said board. Said board shall elect one of their number chairman. The board shall keep a full and complete record of their proceedings, and make such report to the governor as may from time to time be required, and a biennial report to the legislative assembly, such report to be made in triplicate.

Salary. The members of the board appointed by the governor as hereinbefore provided shall receive ten dollars (\$10) per day for the time by them necessarily employed in discharging the duties required by this title: *Provided, however,* That in no one year shall the board be in session more than sixty days, except upon call of the governor; and each member of the board shall receive five (5) cents for each and every mile actually traveled, which per diem and mileage shall be paid on the warrant of the auditor, to be issued on the filing of an itemized account therefor in the auditor's office, properly certified thereto by such member, duly countersigned by the secretary, with the seal of the board and approval of its chairman; but before any mileage shall be allowed or paid, the one claiming the mileage shall make and file with the territorial auditor his affidavit, stating the distance traveled, the most direct route from his home to the place of the meeting of the board.

Veterinary surgeon. SEC. 3. The governor shall nominate and, by and with the advice and consent of the legislative council, appoint a skilled veterinary surgeon for the Territory of Arizona, who, at the date of such appointment, shall be a graduate in good standing of a recognized college of veterinary surgeons, and who shall hold his office for the term of two years, unless sooner removed by the board; the salary of said veterinary surgeon shall be the sum of eighteen hundred dollars (\$1,800) per annum, and ten (10) cents per mile for each mile actually and necessarily traveled in the discharge of his duties. Before entering upon the discharge of his duties, the territorial veterinarian shall take and subscribe an oath to faithfully perform the duties of his said office, and shall execute a bond to the Territory of Arizona in the sum of five thousand dollars (\$5,000), with good and sufficient sureties, conditioned for the faithful performance of the duties of his office, which bond and sureties thereto shall be approved by the governor; and said bond, together with his oath of office, shall be deposited in the office of the secretary of the Territory.

Owners to report disease. SEC. 4. It shall be the duty of any owner or person in charge of any domestic animal or animals, who discovers, suspects, or has reason to believe that any of his domestic animals, or domestic animals in his charge, are affected with any infectious or contagious disease, to immediately notify such fact, belief, or suspicion to the board or any member of it, or to the Territorial veterinarian; and it shall be the duty of any person who discovers the existence of any contagious or infectious disease among the domestic animals of another to report the same to the said board or Territorial veterinarian, and

any attempt to conceal the existence of such disease, or to wilfully or maliciously obstruct or resist said board or the Territorial veterinarian in the discharge of their duties, as herein set forth, shall be deemed a misdemeanor.

Duties of board. SEC. 5. It shall be the duty of the board provided for in the first section of this title to protect the health of the domestic animals of the Territory from all contagious and infectious diseases of a malignant character, and for this purpose it is hereby authorized and empowered to establish, maintain, and enforce such quarantine, sanitary, and other regulations, including methods of disinfecting railroad cars, as it may deem necessary. It shall be the duty of any member of said board, upon receipt by him of reliable information of the existence among the domestic animals of the Territory of any malignant disease, to immediately notify the Territorial veterinarian, who shall go at once to the place where any such disease is alleged to exist, and make a careful examination of the animals believed to be affected with any such disease, and ascertain, if possible, what, if any, disease exists among the live stock reported to be affected, and whether the same is contagious or infectious or not, and if said disease is found to be of a malignant, contagious, or infectious character he shall direct a temporary quarantine and sanitary regulations necessary to prevent the spread of any such disease, and report forthwith his findings and action to the chairman of the board.

Action of board. SEC. 6. Upon the receipt of [by] the chairman of the board of the report of the Territorial veterinarian provided for in the next preceding section, he shall immediately, if the exigencies of the case require it, convene the board at the most convenient place, and, if upon consideration of the report of the veterinarian, the board shall be satisfied that any contagious or infectious disease exist which seriously affects the health of domestic animals, they shall, after ascertaining and determining the extent of premises or grounds infected, authorize the veterinarian to establish the quarantine, sanitary and police regulations necessary to circumscribe and exterminate such disease; and no domestic animal liable to become infected with the disease, or capable of communicating the same, shall be permitted to leave the district, premises, or grounds so quarantined, except by the authority of the veterinarian. The said board shall prescribe such rules and regulations as will enable the veterinarian to perfectly isolate the disease and exposed animals from all other domestic animals which are susceptible of becoming infected with the disease; they shall also, from time [to time] prescribe and enforce such directions, rules, and regulations as to separating, mode of handling, treating, feeding, and caring for such infected or diseased and exposed animals as it shall deem necessary to prevent the two classes of animals from coming in contact with each other, and the said board or any of the members thereof, or said veterinarian, are hereby authorized and empowered to enter upon any grounds or premises to carry out provisions of this title.

Quarantine, etc. SEC. 7. When the said board shall have determined the quarantine and other regulations necessary to prevent the spread among domestic animals of any malignant, contagious, or infectious disease found to exist among the live stock of the Territory, and given its orders as hereinbefore provided, prescribing quarantine and other regulations, it shall notify the governor thereof, who shall issue his proclamation, proclaiming the boundary of such quarantine, and the orders, rules, and regulations prescribed by the board, which proclamation may be published by written or printed handbills posted within the boundaries or on the lines of the district, premises, places, or grounds so quarantined, or by being published in the stock papers of the Territory: *Provided*, That if the board decides that it is not necessary, by reason of the limited extent of the district in which such disease exists, that a proclamation should be issued, then none shall be issued, but the board shall give such notice as to it shall seem best to make the quarantine established effective.

Slaughter of animals. SEC. 8. In any case of epidemic disease where premises have been previously quarantined by the Territorial veterinarian, as before provided, he is further authorized and empowered, when in his judgment necessary, by and with the consent of the said board, to order the slaughter of any or of all diseased animals upon said premises, and of all animals that have been exposed to contagion or infection, under the following restrictions: The order for slaughter shall be in writing, and shall be made in duplicate; and there shall be a distinct order and a duplicate for each owner of the animal or animals condemned, the original of each order to be filed in the office of the said board and the duplicate given to the said owner. And further, before slaughtering any animal or animals that have been exposed only and do not show disease, the veterinarian shall call in

consultation with him two reputable practicing veterinarians or physicians, residents of the Territory, or if this is impracticable, then two reputable and well-known stock owners, residents of the Territory, and shall have the written endorsement upon his orders of at least one of said consulting physicians or stock owners stating that said action is necessary, and the consent in writing of the owner or person in charge, before such animal or animals shall be slaughtered. It shall be the duty of the Territorial veterinarian to superintend the slaughtering of such animals as may be condemned, and also the destruction of the carcass, causing the same to be destroyed as cheaply as practicable, which destruction shall be by burning to ashes, and shall include every part of the animal and hide, and also excrement and stable bedding or corral litter, as far as possible.

Penalty for disposing of diseased animals.

SEC. 9. Any person, persons, firm, or corporation who shall have in his possession any domestic animal affected with any contagious or infectious disease, knowing such animal to be so affected, or, after having received notice that such animal is so affected, who shall sell, drive, ship, trade, or give away such diseased animal or animals which have been exposed to such infection or contagion, sheep infected with scab upon the range excepted, or who shall move or drive any domestic animal in violation of any direction, rule, regulation, or order establishing and regulating quarantines, shall be deemed guilty of a misdemeanor: *Provided*, That any owner of any domestic animal which has been affected with or exposed to any contagious or infectious disease may dispose of the same after having obtained from the Territorial veterinarian a bill of health of such animal. It shall be unlawful to kill for butcher purposes any diseased animal, to sell, give away, or use any part of it, or its milk, or to remove any part of the skin.

Quarantine against other States.

SEC. 10. Whenever the said board shall have good reason to believe that any contagious or infectious disease exists in any other State, Territory, or countries, or that there are conditions that render domestic animals from such districts liable to convey such disease, they shall report the same to the governor. Thereupon the governor shall by proclamation prohibit the importation of any live stock of the kind diseased in the Territory, unless accompanied with a certificate of health given by a duly authorized State or Territorial veterinarian; and all such animals arriving in this Territory shall be examined upon arrival by the Territorial veterinary surgeon, and if deemed necessary placed in close quarantine until all danger of infection is passed, when they shall be released by order of the Territorial veterinarian. All expense connected with such examination shall be paid by the owner or owners of such stock.

Transportation of diseased animals.

SEC. 11. It shall be unlawful for any person, persons, firm, or corporation to drive or transport or cause to be driven or transported into the Territory of Arizona any live stock from those States, Territories, or countries against which the governor has proclaimed a quarantine, as hereby provided for in the preceding section: *Provided*, That cattle in transit through the Territory on a railroad, when not unloaded, are not liable to any penalties attached to this title; otherwise the regulations contained herein shall apply as well to those animals in transit through the Territory as to those resident therein; and the said board, a member thereof, or the Territorial veterinary surgeon shall have full authority to examine, whether in yards or pasture or stables or upon the public domain, all animals passing through the Territory or any part of it, and, on detection or suspicion of disease, to take possession of and treat and dispose of said animals in the same manner as is prescribed for animals resident in the Territory.

Penalty for importing diseased animals.

SEC. 12. Any person, persons, firm, corporation, owner, or agent who shall knowingly bring into this Territory any domestic animal or animals infected with any contagious or infectious disease, or any animal or animals which have been exposed to any contagious or infectious disease, shall be deemed guilty of a misdemeanor.

General penalty for evading this title.

SEC. 13. Except as otherwise provided in this title, any person, persons, firm, corporation, owner, or agent who shall violate, disregard, or evade or attempt to violate, disregard, or evade any of the provisions of this title, or who shall violate, disregard, or evade, or attempt to violate, disregard, or evade any of the rules, regulations, orders, or directions of the said board establishing and governing quarantine, shall be deemed guilty of a misdemeanor; and any person, persons, firm, corporation, owner, or agent who violate any of the provisions hereof shall be guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction

tion, shall be fined not less than fifty (\$50) nor more than three hundred dollars (\$300), and shall be liable for any damage that may be sustained by reason of their failure to comply with the provisions of said sections.

Board may employ assistance. SEC. 14. The said board shall have the power to employ such persons and purchase such supplies and material as may be necessary to carry into full effect all orders by it given, as hereinbefore provided; that no laborer shall be employed, or material or supplies purchased by the said board, except such additional labor, material, and supplies as may be necessary to carry into effect the quarantine and other regulations prescribed by the said board.

Officers must obey orders of board. SEC. 15. The said commissioners shall have the power to call upon any sheriff, under sheriff, deputy sheriff, constable, cattle inspector, or detective to execute their orders, and such officers shall obey the orders of said board; and the officers performing such duties shall receive compensation therefor as is prescribed by laws for like services; and any officer may arrest on view, and take before any magistrate of the county any person found violating any of the provisions hereof; and such officer shall immediately notify the district attorney of such county of such arrest, and he shall prosecute the person so offending according to law.

Board to protect stock. SEC. 16. The board is hereby authorized, and it is made its duty, to exercise a general supervision over, and so far as may be to protect the stock interests of the Territory from theft; and in furtherance of this object the said board shall devise and recommend from time to time such legislation as in their judgment will foster this important industry; and shall appoint such inspectors as they may deem necessary for the better protection of the live-stock interests of the Territory.

Inspectors. Said inspectors shall be under the exclusive direction and control of the board, and shall report to it all their official acts, as prescribed in the rules and regulations of the board.

Secretary of board. The board shall cause to be kept in a safe place a permanent record of their own acts, and of all official reports of inspectors, and may appoint a secretary and pay him, for the clerical work and keeping the records of the inspection service, a sum not exceeding one hundred dollars (\$100) per month.

System of inspection. SEC. 17. The board shall devise a system of inspection for health and for marks and brands of all stock exported from the Territory, of all stock slaughtered in the Territory, and of all stock that may be driven from one range to another in the Territory; and shall prescribe rules and regulations for the seizure and selling of stray stock in the brand of unknown owners; and all stock running in unrecorded brands; for discovering unknown owners, and for remitting to them the proceeds of such sale, if such owners be the bona fide and lawful owners thereof. They shall furnish suitable blanks in triplicate, upon which all inspectors shall keep a record of their inspection, and upon which they shall report to the board all inspections made; the inspection reports, whether in the hands of the inspector or in the office of the board, shall at all times be open to any person or persons desiring to examine them, and the secretary of the board shall give to any person inquiring, any desired information obtainable from the inspection records.

Powers of inspectors. SEC. 18. The inspectors are empowered, and it shall be their duty, to arrest all persons who violate the stock laws of this Territory, and shall, upon information that any person or persons have committed any crime or misdemeanor against the laws of this Territory, in feloniously marking or branding any stock, or other crime or misdemeanor under the laws of this Territory, for the protection of the rights and interests of stock owners, make the necessary affidavit for the arrest and examination of such person or persons; and shall, only upon warrants issued therefor by any officer authorized to issue the same, immediately arrest such person or persons and bring them before the proper officer, to be dealt with according to law, and shall make due return of said warrant, and notify the board of his acts and doings in that behalf; and it shall be the duty of the board in every proper way to assist in the prosecution and conviction of any and all persons guilty of any of the crimes and misdemeanors against the laws of this Territory in feloniously marking or branding or stealing any stock, or other crime or misdemeanor under any of the laws of this Territory for the protection of the rights and interests of stock owners.

Accounts. SEC. 19. All accounts shall be presented to the board, accompanied with triplicate vouchers, two of which shall be filed in the office of the board; they shall be examined, considered, and approved for payment, if ascertained to be correct, and thereupon certified by the chairman, and countersigned by the secretary to the Territorial auditor, setting forth each item covered in said certificate. The Territorial auditor shall then draw his warrant on the Territorial treasurer for the respective amount set forth in each specified account, and the treasurer shall pay the same as other Territorial warrants are paid: *Provided*, That no warrant shall be issued in payment for the printing of the reports of the live-stock sanitary board.

Unclaimed funds. SEC. 20. Whenever any funds, received by the board from the sale of stock, shall have remained in its possession for twelve months without any owner thereof having been found, it shall be the duty of the chairman of the board to pay the same to the Territorial treasurer, to be by him placed to the credit of the general fund of the Territory.

Must appoint inspectors. SEC. 21. It is the duty of the board upon a petition signed by not less than twenty-five persons, each of whom shall be interested and engaged in the business of owning and breeding live stock in the Territory of Arizona, to appoint stock inspectors who shall hold their offices at the will and pleasure of the board.

Duties of inspectors. SEC. 22. It is the duty of inspectors, under rules and regulations prescribed by the board, to inspect for health and for marks and brands, at the railway loading stations, at the place of exit from the Territory, and at all places where neat cattle are gathered to be driven off their range for any purpose, or that are being driven away from their usual range, wheresoever and whensoever the inspector shall encounter them or designate, all neat cattle about to be or which are being shipped, gathered, or driven from any place in the Territory to any other place either in or out of the Territory, and to require from the owner or owners, person or persons in charge of such stock a list of the brands and marks, and to make sure by inspection that any and all live stock being shipped or driven as aforesaid is not stolen property, and that the person or persons in charge are the owners thereof, or are properly authorized in writing to handle such stock. The inspector shall make a permanent record of such inspection, showing the place and date of making the same, the name of the owner or owners, the person or persons in charge of said stock, the kind and description of stock, together with the number in each brand and mark, and all other and further necessary information, which said record shall be open for inspection by all persons desiring to inspect the same. A duplicate record of all inspections shall be sent to the board at such times and under such rules and regulations as the board may adopt. If on such inspection cattle shall be found not belonging to the shipper or to the driver, which he is not authorized in writing to ship or drive, all such cattle shall be taken by the inspector and dealt with in accordance with the rules of the board in such case made.

Oath and bond of inspectors. SEC. 23. Any person who shall receive appointment to be inspector, before entering upon the performance of his duties, shall take the oath of office prescribed by law, and shall file a bond in the sum of five hundred dollars (\$500) with the county recorder of the county wherein he resides, running in the name of the Territory, executed by himself, and at least two good and sufficient sureties, which bond shall be approved by the chairman of the board of supervisors of said county, conditioned upon the faithful performance of the duties of his office.

Liability of inspectors. SEC. 24. Any inspector who shall knowingly give or make a false certificate, or shall, without good cause, refuse to give a certificate of inspection, or shall accept any bribe for failure to perform any of the duties prescribed by law, or who shall give a certificate of inspection before receiving his fees for such inspection, or wilfully delay in making inspection when notified, shall be liable with his sureties on his official bond to the injured parties for all damages arising therefrom.

Prompt inspection. SEC. 25. Every inspector must inspect all live stock subject to inspection immediately, except when such inspector is engaged elsewhere in a like duty, upon being advised or informed that the same are subject to inspection, and when inspected the one in charge thereof shall at once pay to the inspector therefor five (5) cents per head for horses and neat cattle; two (2) cents per head for hogs; whereupon the inspector shall certify in writing to the owner or person in charge, on form furnished by the board, that said stock has been inspected according to law for marks and brands.

Arrest for driving strange cattle. SEC. 26. Any person, not being the owner, or having the right of possession of any animal or animals who shall be found driving any such animal or animals off its or their usual range without the consent of the owner or owners thereof shall be deemed guilty of larceny, and shall be arrested by the inspector, or by any constable, officer, or other person specially deputized for that purpose by a judge or justice of the peace, and such person or persons shall be taken before a magistrate for examination.

Transportation before inspection illegal. SEC. 27. It shall be unlawful for any common carrier to receive any live stock for transportation until the same shall have been inspected as required herein and until such common carrier shall have been furnished with a certificate by a duly authorized inspector, showing that the brands and earmarks on such live stock have been duly inspected as required by law. Any common carrier, or any officer, agent, or servant thereof who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined not less than one hundred dollars (\$100) and not more than five thousand dollars (\$5,000), in the discretion of the court.

Penalty. SEC. 28. Any person violating any of the provisions hereof shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding three hundred dollars (\$300), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Close season for Texas fever. SEC. 29. No person shall, between the first day of February and the first day of December of any year, drive or cause to be driven into or through any county or part thereof in this Territory, or turn loose or cause to be turned upon or kept in any highway, range, common, or enclosed pasture within this Territory any cattle capable of communicating or liable to impart what is known as Texas, splenetic, or Spanish fever. Any person violating any provisions of this section shall upon conviction thereof be adjudged guilty of a misdemeanor, and shall for each offense be fined not less than one hundred dollars (\$100) and not more than two thousand dollars (\$2,000), or be imprisoned in the county jail not less than thirty days and not more than one year, or by both such fine and imprisonment.

Penalty for moving affected cattle. SEC. 30. No officer, agent, employee, servant, or other person connected with or employed in the business of operation of any railroad, common carrier, or other transportation company or association shall ship or cause or permit to be shipped, or transport or cause or permit to be transported by means of the transportation afforded by such common carrier, railway, or other transportation corporation, company, or association, or deliver to any consignee or other person between the first day of February and the first day of December of any year, within this Territory, any cattle capable of communicating or liable to impart what is known as Texas, splenetic, or Spanish fever. Any person connected with or employed in the business or operation of any railway, common carrier, or other transportation company, corporation, or association, violating any of the provisions of this section, shall upon conviction thereof be adjudged guilty of a misdemeanor, and shall for each offense be fined not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000), or be imprisoned in the county jail not less than thirty days nor more than one year, or by both such fine and imprisonment:

Cattle passing through exempted. *Provided,* That cattle in transit in cars through this Territory on any railroad, and not unloaded, are not liable to the penalties attached to this section.

Officers may quarantine upon complaint. SEC. 31. It shall be the duty of any sheriff, undersheriff, deputy sheriff, or live-stock inspector within this Territory, upon a complaint made to him by any citizen of the Territory, or otherwise having notice or knowledge that there are within the county where such officer resides cattle believed to be capable of communicating or liable to impart the disease known as Texas, splenetic, or Spanish fever, to forthwith take charge of and restrain such cattle under such temporary quarantine regulations as will prevent the communication of such disease and make immediate report thereof to the said board, and such officer shall keep such cattle in custody as aforesaid until released by order of said board, and no officer who shall take or detain any cattle under the provisions of this statute shall be liable to the owner of such cattle for any damage by reason of such detention or taking, or by reason of the performance of any other duty enjoined by this section.

Owners must pay cost of quarantine.

SEC. 32. Whenever said board shall determine that certain cattle within the Territory are capable or liable to impart Texas, splenic, or Spanish fever, they shall issue an order to the sheriff or any constable or live-stock inspector of the county in which such cattle are found, commanding him to take and keep such cattle in his custody, subject to such quarantine regulations as they may prescribe until the first of December next ensuing, on which date they shall direct such officer to deliver such cattle to their owners or agents: *Provided, however,* That before any cattle so held shall be delivered as aforesaid there shall be paid to said board all the costs and expenses of taking, detaining, and holding said cattle, and in case such costs and expenses are not paid within ten days after the first day of December, the said officer shall advertise, in the same manner as is by law provided in cases of sales of personal property, that he will sell such cattle or such portion thereof as may be necessary to pay such costs and expenses of the sale, and at the time and place so advertised, he shall proceed to sell as many of said cattle as shall be necessary to pay off said costs and expenses and expenses of the sale, and forthwith shall pay over to the owner of said cattle or his legal representative any amount so received in excess of the legal fees and expenses of such officer. Any officer performing any of the duties enjoined in this section or in the next shall receive the same compensation therefor as is prescribed by laws for similar services, to be paid as other expenses of said board are paid by law.

Violators of law liable for damage done.

SEC. 33. Any person, such as is specified in section 29 of this title, or any officer, agent, employee, servant, or other person as is specified in section 30 of this title, violating any of the provisions hereof, shall be liable to any party injured, through such violation for any damage that may thereby arise, from the communication of Texas, splenic, or Spanish fever, to be recovered in a civil action, and the party so injured shall have a lien for his damages on the cattle so communicating the disease, such lien to be enforced in like manner as other liens are enforced.

Butchers and slaughterhouses.

SEC. 34. Any person or persons, firm, or corporation engaged in the slaughter of live stock for sale in this Territory shall slaughter all such animals in a fixed and definite slaughterhouse or slaughter pen, to be kept by such person or persons for that purpose; and before such person, persons, firm, or corporation shall begin, enter upon, or carry on the business of slaughtering any neat or horned cattle, swine, sheep, or goats for sale, or for the sale of meat, or selling or exposing for sale the meat of such animals in the Territory of Arizona, such person, persons, firm, or corporation shall first procure from the live-stock sanitary board a license to operate such slaughtering business, and to sell or expose for sale such meat, under the conditions and upon the payment of the fees herein provided; and after procuring such license, and before engaging in such business, such person or persons shall execute upon a blank form furnished by the board a bond, with two or more good and sufficient sureties, to the Territory of Arizona, in the penal sum of one thousand dollars (\$1,000), to be approved by the chairman of the board of supervisors of the county in which such business is to be carried on, conditional that such person, persons, firm, or corporation shall not slaughter or expose for sale any neat animal, or the meat thereof, without first being the legal and equitable owner thereof as well in law as in fact, and that in case such person, persons, firm, or corporation shall slaughter or sell, or expose for sale, any neat animal or the meat thereof as aforesaid shall pay therefor double the value of any such animal, the same to be recovered by action on said bond in the name of the true owner of such animal. The amount so recovered shall be paid as follows: One-half to the owner of such animal, one-fourth to the inspector or person discovering the wrongful possession or slaughtering of such animal, and the remaining one-fourth to the license and inspection fund hereinafter provided for, and on the compliance with all the provisions of this title applying to butchers.

Butcher license.

SEC. 35. The live-stock sanitary board shall grant to each and every applicant therefor, upon the payment of the fees herein provided, a license to slaughter horned and neat cattle, swine, sheep, and goats as may be set forth in such application for the term of one year from the date such license is granted. If the business is to be carried on within, or within four miles of, any town of more than five thousand inhabitants the applicant shall pay to the board the sum of one hundred and fifty dollars (\$150) for a license to operate such business of slaughtering, at a fixed and definite slaughtering place; in case the business is to be carried on within, or within four miles of, any town or village of more than three thousand and less than five thousand inhabitants, the applicant shall pay one hundred and twenty dollars (\$120) for such slaughtering license; in case the business is to be

carried on within, or within four miles of, any town or village of over one thousand and less than three thousand inhabitants, the applicant shall pay ninety dollars (\$90) for such slaughtering license; and in all other cases thirty dollars (\$30) for such slaughtering license.

License is for one place only. SEC. 36. Each and every license issued under this title shall be for one specific place of business, and the location of the place of business for which it is issued shall be stated therein.

Application in writing. SEC. 37. The applicant for such license shall make written application to the board therefor and state in his application where his slaughterhouse is or will be located during the term for which such license is issued, and he shall not, during the term for which such license is issued, slaughter any neat or horned cattle, swine, sheep, or goats at any other place than that specified in his license.

Transfer of license. *Provided,* That if for any reason, the holder of a license desires to change any such slaughtering place he shall apply to the said board to have such license transferred to cover such change. And said board shall reissue such license on application therefor without any additional charge for the unexpired term of such license.

Definition of butcher. *Provided,* That any person, firm, or corporation who shall kill more than two head of horned or neat cattle for sale or for the sale of meat in any one month, or who shall kill more than six head of hogs, sheep, or goats for sale or for the sale of meat in any one month, shall be considered butchers within the meaning of this title.

Imparting Texas fever. SEC. 38. In the trial of any person charged with a violation of any of the provisions hereof, and in the trial of any civil action to recover damages for the communication of Texas, splenic, or Spanish fever, proof that the cattle which such person charged with driving or keeping in violation of law, or which are claimed to have communicated the said disease were brought into this Territory between the first of February and the first of December of each year in which the offense was committed or such cause of action arose, from territory within the area of which the United States Department of Agriculture from time to time has given notice that a contagious and infectious disease known as splenic, or Southern, fever exists among cattle, shall be taken as prima facie evidence that such cattle were capable of communicating or liable to impart Texas, splenic, or Spanish fever within the meaning of this title, and that the owner or person in charge of such cattle had full knowledge and notice thereof at the time of the commission of the alleged offense: *Provided,* That the provisions hereof shall apply to the State of California during the whole year, and shall not apply to any cattle shipped or driven from Sonora, Mexico.

Joint liability. SEC. 39. Whenever two or more persons shall, in violation of this title, at the same time, or at different times during the year, drive or cause to be driven, upon any highway, range, common, or pasture within this Territory, any cattle capable of communicating or liable to impart said fever, they shall be jointly and severally liable for all damage that may arise from the communication of such disease at any time thereafter during the same year, to any domestic, native, or acclimated cattle, that have been on the same highway, range, common, or pasture, so previously traveled over by such mentioned cattle.

Evidence of theft. SEC. 40. In the trial of any criminal suit in which the accused is charged with stealing any neat animal or animals, evidence that the accused has stolen other neat animal shall be heard if offered, provided the other offenses so follow each other, when taken in connection with the facts and circumstances pertinent to each case, as to show a purpose of engaging in and continuing the work of stealing neat cattle.

Inspectors appointed on petition. SEC. 41. The said board, on petition therefor, signed by at least twenty-five persons, each of whom are engaged in the business of owning and breeding live stock in this Territory, shall have power to and shall appoint live-stock inspectors to reside in or near each city, town, or village, or at any point where live stock is slaughtered in this Territory, who shall hold office at the will and pleasure of the board. No person or persons engaged or employed in the butchering business shall be eligible to hold the office of inspector.

Butchers must give location of slaughterhouse.

SEC. 42. It shall be the duty of any person, persons, or firm, or corporation, carrying on the business of slaughtering said animals, to notify the nearest inspector appointed under this title, of the location of his or their slaughterhouse or slaughter pen, and of the time or times when such person or persons propose to slaughter any such animals, and no animal shall be slaughtered by any person until it shall have been first inspected and certified to as being the property of the one slaughtering it or causing it to be slaughtered, or that such person is authorized to slaughter. The board shall prepare these certificates in blank, and a copy of each certificate given shall be kept in a book by the inspector, which book shall at all times be open to inspection and examination of all persons wishing to inspect or examine it. Upon said animals so inspected and certified to being butchered, then the inspector shall inspect the hide, and if he shall find it to be the hide of the animal so inspected and certified to, then he shall tag the same on the left side of the neck with a tag seal to be furnished him by the board.

Inspection fee. For each animal and hide so inspected the butcher shall pay the inspector five (5) cents at the time the hide is inspected and before it is tagged, which shall be full payment for inspecting the live animal and inspecting and tagging the hide.

Inspections, and evading same. SEC. 43. A duplicate record of all inspections shall be sent to the board, and triplicate given to the butcher at such times and under such rules and regulations as the board may adopt. Any person, persons, firm, or corporation selling, removing, or secreting any hide or hides or detaching, obliterating, or defacing from or upon the hide any mark or brand before they are inspected and tagged shall be guilty of a misdemeanor and shall be punished as hereinafter provided.

Meat can not be sold before hide inspected. SEC. 44. Any ranchman, trader, or any other person not regularly engaged in carrying on the business of slaughtering neat cattle at

some known and established slaughter place within four miles of some city, town, or village within the limits of this Territory who shall slaughter any neat or horned cattle for sale or for food, on their ranches or elsewhere, shall, before offering the meat for sale in any city, town, or village within the limits of this Territory, take the hide thereof to a regularly appointed inspector and shall have it inspected and tagged, immediately paying therefor five (5) cents for each hide inspected and tagged. All persons not engaged as butchers who shall at any time kill or slaughter or cause to be killed or slaughtered any cattle, either for his or their own use and consumption or for sale, shall retain or cause to be retained in his or their possession the hides taken off such animal or animals, with the earmarks attached thereto, without any alteration or disfiguration of the brands or marks on said hide or ears, for the period of twenty-one days, free to the inspection of all persons, and before shipping the same shall cause it to be inspected and tagged; and any person failing to keep the hides in the manner and for the time above mentioned, or shall refuse to any person the inspection of such hide or hides, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding two hundred dollars (\$200): *Provided*, That anyone may immediately sell or otherwise dispose of the hide of any animal as soon as it is duly inspected and tagged by an authorized inspector.

License-inspection fund. SEC. 45. All moneys received by the board for the licenses provided for in this title shall be turned over to the Territorial treasurer to be deposited in a special fund, to be known as the "License and inspection fund," and such fund shall be subject only to warrants drawn by the Territorial auditor on demand of the chairman of the live-stock sanitary board, duly countersigned by the secretary, for the payment of slaughterhouse inspectors: *Provided*, That no slaughterhouse inspector shall receive less than fifty per cent or more than ninety per cent per annum of all such license fees paid from or within his district, such payments to be made quarterly, and any and all balance remaining in each fund after paying such warrants shall, at the end of each fiscal year, be turned over to the general fund of the Territory, on demand of said board.

Untagged hides must not be purchased. SEC. 46. It shall be unlawful for any trader or other person to purchase or otherwise acquire possession of any hide of horned or neat cattle until the same shall have been inspected and tagged as required by the provisions of this title, and the possession of such untagged hide shall be considered *prima facie* evidence of the

commission of a misdemeanor, unless the person possessing such hide can show that the same was taken from an animal owned by him at the time of slaughter or death, or that he had written authority from the owner to remove the hide from such animal.

Butchers must send in monthly record.

SEC. 47. Any person who shall set up or carry on the business of butchering or slaughtering of horned cattle or swine in this Territory shall keep a true and faithful record, in a book to be kept for that purpose, of all live stock purchased or slaughtered by him, with a description of all animals so purchased or slaughtered, including all the marks and brands of such animals, the name and residence of the person from whom purchased, and the date of such purchase; and shall at the end of each month make a true and correct copy of such record so required to be kept by this section, under oath, and deliver the same to the inspector of his district.

Penalty. Any such person, persons, firm, or corporation who fails to keep such record, or who fails or neglects to deliver a true copy of the record mentioned in this section, or who refuses to exhibit to any person demanding it the said record, is guilty of a misdemeanor, and shall be fined a sum not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) for every day he shall have failed to comply with this section.

Untagged hides can not be transported.

SEC. 48. It shall be unlawful for any person or common carrier to receive for transportation any hides until the same shall have been inspected and tagged as provided in this title.

Penalty. Any person, common carrier, or officer, agent, or servant of a common carrier who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500), in the discretion of the court.

Marks and brands.

SEC. 49. Every person, firm, company, or corporation owning range horses, mules, asses, or neat cattle in this Territory shall have a mark or brand for them by which they shall be marked and branded; and every person owning range sheep or goats in this Territory shall have an earmark for them different from his neighbors' and as near as practicable different from any other earmark in the Territory, by which they shall be earmarked, and the same may be identified and shall be prima facie evidence of ownership, but only from and after the time herein provided; and when such mark and brand or earmark shall have been so recorded it shall be the personal property of the person causing it to be recorded, and may be sold and encumbered the same as other property, except that no range animal can be sold except by bill of sale duly made, signed, and acknowledged as deeds conveying real estate are acknowledged: *Provided*, That any earmarks or brands for sheep or goats which have heretofore been recorded in the office of the live-stock sanitary board, together with the record thereof, are hereby legalized and validated.

Records of marks and brands.

SEC. 50. Said board shall record all such marks and brands as may be adopted by the owners of range animals in a book by it kept for that purpose: *Provided*, That the mark or brand so adopted has not theretofore been adopted and recorded by some other person: *And provided further*, That the mark and brand so adopted shall not conflict with the mark or brand of some other person owning range animals running in the brand and who has a prior right thereto.

Fees for recording.

SEC. 51. All marks and brands not now recorded in the brand book of said board may be so recorded on the persons owning the same and having the right thereto sending to said board a facsimile copy thereof, proof that he is or they are the true and sole owner thereof, and that he is then the owner of range animals running in said brand, and inclosing therewith one dollar (\$1) wherewith to pay for recording the same, and one dollar (\$1) for a certificate thereof if recorded, and if not recorded, then the amount paid for the certificate shall at once be returned.

Certificate of record.

SEC. 52. So soon as such brand and mark shall have been considered and passed by the board for record, then the board shall issue its certificate thereof, wherein shall be shown the name of the owner thereof, his post-office address, the place where his animals range, the date of the record thereof, and a facsimile of such brand and mark, to be signed by the

chairman of the board, attested by its secretary with the seal of the board affixed; and such certificate shall be prima facie evidence in all the courts of this Territory of the matters therein contained.

Brand book. SEC. 53. The board shall deliver to each inspector and to each county recorder's office in this Territory a true printed copy of the brand book and of all supplements thereof. Each of these shall be certified to by the chairman of the board, attested to by the secretary, and its seal affixed. The certificate shall state that it is a true, full, and correct copy of the brand book, and contains a facsimile of each and every mark and brand recorded, with its owner's name, his post-office address, and his range, opposite the mark and brand. Said printed copy of said brand book, and of all supplements thereto that are so certified to, shall be in all the courts in this Territory prima facie evidence of the truth of the matters therein contained; and the board may in its discretion deliver to any person engaged in the business of breeding range cattle certified copies of the brand book and of all the supplements thereto, on the payment to the board of such fair and reasonable price as to the board may seem just; and such books, when so certified and delivered, shall be received in evidence with like effect as to those delivered to inspectors and county recorders.

Ownership of animals. SEC. 54. The ownership of animals may be shown by the mark or brand on the animal, if marked or branded, by proof of the ownership of the mother of the animal sought to be identified and ownership of which is sought to be established, and by any person or persons who may know the animal and its owner, independent of any mark, brand, or its paternity.

Rights of prosecution. SEC. 55. In the trial of any person charged with the violation of any of the stock laws of this Territory, the prosecution shall have the right to prove, as tending to show conversion by the accused, that the animal or animals in question were branded into a brand or were marked into a mark claimed by the accused to be his brand or mark, although such brand or mark is neither of them recorded, and in all cases where any live stock, the property of a resident of a foreign country, are alleged to have been stolen and are held in this Territory, which live stock so alleged to have been stolen have either strayed or have been driven from a foreign country into this Territory, the ownership thereof may be shown by the marks or brands thereon, although such marks or brands shall not have been recorded, and in every such case the question whether any such live stock were stolen in a foreign country and were driven into this Territory, or strayed into this Territory and were then stolen in this Territory, shall be immaterial, in all cases where the allegation of the indictment is that they were stolen in the county where the indictment is found.

Words defined. SEC. 56. In all pleadings, whether civil or criminal, the words neat animal shall be held to include all kinds, ages, and sexes of the bovine species; the word horse shall be held to include all kinds, ages, and sexes of the horse species, and the word mule, all ages, kinds, and sexes of the mule kind.

Bills of sale. SEC. 57. Upon the sale, alienation, or transfer of any horses, mules, asses, or neat cattle by any person in this Territory, the actual delivery of such animals shall be accompanied by a written bill of sale from the vendor or the party selling to the party purchasing, giving the number, kind, marks, and brand of each animal sold and delivered, which bill of sale shall be signed by the party giving the same, and shall be acknowledged by him as his act and deed before some officer authorized under the laws of the Territory to take acknowledgment of deeds of conveyance; and upon the trial of any person charged with the theft, unlawful possession, handling, driving, or killing of any such animal as is mentioned in this section, under any law of this Territory, the possession of such animal by the accused, under any law of this Territory, without his having a duly written and acknowledged bill of sale therefor, such as is required by the provisions of this section, shall be prima facie evidence against the accused that such possession was illegal; and no officer acknowledging any bill of sale or other written instrument required to be acknowledged under the provisions hereof shall be authorized to exact or receive a larger fee than twenty-five (25) cents for acknowledging, certifying to, and affixing his seal to such instrument.

Vent or counter-brand. SEC. 58. Upon the demand of the purchaser, every person who sells horses, mules, asses, or neat cattle must vent or counter-brand such animals, and said vent or counter-brand must be upon the same side of the animal as the original brand. A legal vent shall be a stamp iron, and before used it must first be recorded with the county recorder of the county where

the cattle are ranged: *Provided*, That animals sold to be slaughtered or shipped out of the Territory need not be vented.

Brands not recorded. SEC. 59. Whenever any live stock branded with any brand not duly recorded as required by the provisions of this title shall be found at large upon any range in this Territory, the same shall be reported to the said board by any duly authorized inspector and detective therefor, and shall be considered as unclaimed live stock and shall be disposed of as now provided by law for the disposition of unclaimed live stock.

Written authority to handle live stock. SEC. 60. Any person, company, or corporation owning a recorded mark or brand, and being the owner or owners of animals of the horse, mule, ass, or neat-cattle kind, branded with such recorded brand, or who shall be the lawful owner of such animals having other brands, who may wish to authorize any other person or persons to gather, drive, or otherwise handle any of said animals by their mark and brand, shall furnish to such person or persons an authority in writing, containing the list of the marks and brands authorized to be handled, and authorizing the person or persons therein named to gather, drive, or otherwise handle the stock therein described, and the possession of such written authority shall be deemed sufficient to authorize the person or persons therein named to gather, drive, or otherwise handle any of such animals in the marks and brands set forth and described in the said written authority: *Provided*, That if any person, firm, company, or corporation, in giving any such written authority as is provided in this section, shall insert therein any mark or brand of which said person, firm, company, or corporation is not the lawful owner, and any animal having any such mark or brand shall be unlawfully taken, gathered, driven, or otherwise unlawfully handled by the person or persons having such written authority and by virtue thereof, then the person, firm, company, or corporation giving such written authority shall be deemed principals to the unlawful taking, gathering, driving, or handling of such animal or animals.

Sale of range cattle. SEC. 61. The owner or owners of horses, mules, asses, or neat cattle running at large upon any range in this Territory may dispose of such animals by range delivery while on the range and ungathered by the sale and delivery of the marks and brands of such animals; but in every such case the purchaser, in order to acquire title to such animals, must have his conveyance or written transfer of such animals described by marks and brands duly acknowledged by the vendor and then recorded in the office of the county recorder of the county in which such animals range, in a book kept for such purpose, and such sale or transfer shall be noted on the record of original marks and brands in the office of said board.

Unlawful branding. SEC. 62. Any person who shall mark or brand any unmarked or unbranded horse, mule, ass, or neat cattle found running at large upon any range in this Territory with a mark or brand that has not been recorded under the provisions of this title, or who, for the purpose of branding horses or cattle, uses as a brand a sash, frying pan, or any device whatsoever which can be employed or used to obliterate a brand, and every person who shall use any unrecorded brand which is an infringement upon any recorded brand, or who shall use a like brand in the same position or place recorded by another, shall be deemed guilty of larceny of said animal.

Using animals without consent. SEC. 63. Hereafter it shall be unlawful for any person to take up from any range, ranch, farm, corral, yard, or stable any horse, mule, or other animal and use the same without the consent of the owner of any such animal or of the person having the same in charge.

Taxes on live stock. SEC. 64. Live stock so branded shall be listed for assessment, and taxes assessed against the same shall be collected in the same manner as is provided for the assessment and collection of taxes upon real estate; and such assessment shall constitute a lien for taxes on all the stock in that brand: *Provided*, That if the owner of any brand shall sell any number of cattle less than the entire number under any brand before the taxes are due, such owner shall be permitted to pay taxes on the number sold proportioned to the number assessed in any such brand, and the amount shall be credited on the amount due under the assessment against any such brand.

Stock killed by locomotives. SEC. 65. In all cases where the live stock of any person is injured or killed by locomotive or cars on any portion of the line of any railroad company within this Territory unfenced by good and sufficient fence, or other barriers sufficient to turn live stock, the com-

pany or corporation running such locomotive or cars shall be liable in damages therefor to the owner of such live stock, to be recovered in any court of competent jurisdiction within this Territory, unless it be shown on the trial of any action instituted for the recovery of such damages that the owner of such live stock, his agent or servants, immediately contributed to such killing or injury. The mere straying of live stock upon unfenced portions of such railroad shall not be held upon the trial of causes brought under this title to be any evidence of contributory negligence on the part of the owner of such live stock, nor shall the grazing of the same unattended by a herder be so considered.

Liability of railroads. SEC. 66. Every railroad corporation or company operating any railroad or branch thereof within the limits of this Territory which negligently injures or kills any horse, mare, gelding, filly, jack, jennie, or mule, or any cow, heifer, bull, ox, steer, or calf, or any other domestic animal, by running any engine or engines, car or cars, over or against any such animal, shall be liable to the owner of such animal for the damages sustained by such owner by reason thereof. The killing or injury shall be prima facie evidence of negligence on the part of such corporation or company.

Driving stock on railroads. SEC. 67. If the owner or owners, or his or their duly authorized agent or agents, of any animal or animals heretofore mentioned shall drive the same upon the track of any such corporation, association, company, person, or persons, with the intent to thereby injure it or them, and such animal or animals shall be killed or injured, such owner or owners shall be liable for all injury or damage occasioned by reason of such act, and shall be punished as provided in the penal code for felony.

Railroads to keep list of stock injured. SEC. 68. Hereafter it shall be the duty of all railroads in this Territory to require all section foremen, while in their employ and service as such, to keep at the section house a specific record, upon forms furnished by said board, of all stock killed or crippled upon their respective sections of such railroad, giving age, color, sex, marks, and brands of all such stock so killed or crippled, which record shall be open and free for inspection by the public at all reasonable times.

Railroad crossings. SEC. 69. Any railroad corporation or lessee, person, company, or corporation operating any railroad in this Territory which may hereafter fence their right of way shall make crossings through their fence and over their roadbed along their right of way at least every five miles thereof, or as near thereat as may be practicable.

Width of crossings. SEC. 70. Such opening shall not be less than sixty feet in width. The said railroad company or lessee, person, corporation, or company operating any railroad shall place cattle guards and wing fences on either side of the said openings sufficient to prevent any cattle entering upon the said right of way so enclosed.

Places unfenced. SEC. 71. Such railroad company, lessee, person, or corporation operating any railroad shall leave unfenced any places wherein the said railroad runs over any trestles or bridges that are sufficiently high for cattle to go under the same.

Penalty. SEC. 72. Any railroad company, lessee, person, or corporation operating any railroad in this Territory violating any of the provisions of the seven preceding sections shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, in any court of competent jurisdiction, be fined in a sum of not less than one hundred dollars (\$100) and not more than three hundred dollars (\$300).

Inspections must be by daylight. SEC. 73. All inspections of live stock made by inspectors shall be made in daylight, and the inspection of horses, mules, asses, and cattle shall be made, when pens will admit, by driving such animals into a pen or corral in bunches of not more than five, and held in such pen or corral until the inspector shall personally see and inspect each and every mark and brand and mark the same on his record or tally, and when he has so inspected and tallied such cattle and is satisfied as to the same he shall order them driven out and another bunch driven in such pen or corral in like manner, and so on until the entire herd is inspected, but if there are no pens convenient to the animals to be inspected, then it shall be done in such way as the inspector shall direct.

Penalty for hindering inspector. SEC. 74. Any inspector who shall inspect cattle in any other manner than that prescribed, or any owner, employee, or other person who shall oppose, obstruct, hinder, or attempt

to obstruct or hinder, by act or suggestions, such inspection as prescribed, shall be guilty of a misdemeanor, and fined not less than fifty dollars (\$50) and not more than three hundred dollars (\$300), or imprisonment in the county jail not more than ninety days.

General penalty. SEC. 75. Any person violating any of the provisions of this title shall be adjudged guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars (\$10) nor more than three hundred dollars (\$300), or be imprisoned in the county jail for not less than ten days nor more than six months, or by both such fine and imprisonment, in the discretion of the court, but nothing in this title shall be construed to repeal any existing law imposing penalties for the unlawful taking, driving, killing, branding, defacing of brands, or other unlawful handling of any of the kinds of animals mentioned herein.

Criminal cases. SEC. 76. It shall be the duty of the prosecuting attorney of the proper county to prosecute on behalf of the Territory all criminal cases arising under this title.

Attorney-general. SEC. 77. It shall be the duty of the attorney-general at all times to advise with said board whenever called on, to give opinions in writing in response to requests by the said board, its agents or employees.

Took effect September 1, 1901.

SANITARY PROTECTION OF SHEEP

Sheep inspector. SECTION 1. The board of supervisors of any county in this Territory, upon the presentation of a petition signed by not less than fifteen residents of such county, each of whom shall be the owner of not less than two thousand sheep in such county, engaged in the business of sheep breeding and wool growing in this Territory, shall appoint an inspector of sheep for such county, who shall hold his office for the term of two years and until his successor is appointed and qualified, unless sooner removed by such board of supervisors, and shall receive from such county such salary as may be agreed upon by the board of supervisors, not to exceed one hundred dollars (\$100) per month.

Qualifications and bond. Such inspector of sheep shall be a resident of the county for which he is appointed, and shall be a practical sheep man. Before entering upon the discharge of his duties he shall execute a bond, payable to the Territory of Arizona, in the sum of one thousand dollars (\$1,000), with at least two good and sufficient sureties, to be approved by the board of supervisors, conditioned for the faithful discharge of the duties of his office. Such inspector may appoint one or more deputies within his county, for whose official acts he and his official bond shall be responsible.

Duties. It shall be the duty of such inspector at any time, upon the written information of any citizen of his county having in charge or owning sheep, that sheep in such county owned by or in charge of any other person, giving location thereof, and infected with scabs, scabies, or other contagious or infectious disease, or upon personal knowledge of such facts, to examine such sheep without delay, and, if he shall find such sheep to be infected with any such diseases, he shall notify the owner or party in charge thereof, in writing, to doctor, dip, or cure them forthwith by the use of some standard curative medicine, and shall place such sheep in quarantine, and direct and limit the range to be occupied, and the route of travel of such sheep, until dipped and cured of such disease as directed by such inspector, and if such owner or party in charge of such sheep shall fail, neglect, or refuse to carry out the directions of such inspector, said inspector shall take such sheep into his possession at once and cure them, or cause them to be cured. He may call to his assistance such aid as may be necessary for that purpose, and the owner or owners of such sheep shall be liable to said inspector for all necessary expenses, costs, and charges incurred in curing such sheep, including a compensation of five dollars (\$5) per day to such inspector or his deputy for every day or part of a day in which he shall be necessarily employed, and ten (10) cents per mile for each and every mile traveled to and from the place of quarantine or doctoring.

Infected sheep. SEC. 2. Whenever on examination of any herd or band of sheep within any county of this Territory said inspector shall find such sheep or any part of them infected by any of said diseases, he shall forthwith take

all and every necessary measure and precaution to prevent such disease from spreading, and the owner or owners of such sheep shall immediately proceed to treat such sheep for the cure of such disease, and any person who shall refuse or neglect to immediately observe the directions of such inspector as provided in this section or the preceding section of this act, shall be guilty of a misdemeanor, punished on conviction by a fine of not less than one hundred dollars (\$100) and not more than two hundred and fifty dollars (\$250).

Inspector may prescribe dip. SEC. 3. The inspector in charge shall be empowered to prescribe the kind of dip to be used, its strength, and all the conditions and details of the dipping, doctoring, and curing of any diseased or infected sheep, and no diseased or infected band of sheep shall be released by such inspector until they are pronounced cured and clean:

Appeal to veterinarian. *Provided,* That whenever the decision of the inspector shall be denied or disputed by the owner or party in charge of the sheep, he shall be entitled to appeal to the Territorial veterinarian, who shall examine such sheep and whose decision shall be final as to such disease or infection:

Veterinarian to act where no inspector. *Provided,* That in all counties of this Territory where no inspector is appointed, as above provided, the Territorial veterinarian shall have and exercise all the powers of sheep inspector for such county or counties, and shall receive for himself and his deputy the same fees provided for inspectors in addition to his mileage as Territorial veterinarian.

Payment of fees. SEC. 4. All legal fees, charges, and expenses of such inspector, under this act, shall be a first lien upon any such diseased or infected sheep, in whosoever possession they may be found, for thirty days after treatment, as herein provided; and in case the owner or owners, or party in charge representing such owner or owners, in their absence, shall fail or refuse to pay any legal charges, fees, mileage, or expenses, upon the completion of such inspection or treatment, as provided in this act, such inspector may recover such fees, charges, and expenses from the owner or owners of such sheep by an action in any court of competent jurisdiction, or he may seize and hold such sheep, or any part thereof, for such payment; and if such fees, charges, or expenses are not paid within ten days after such treatment is completed, then such inspector may sell, at public or private sale, sufficient of such sheep to pay all legal fees, charges, and expenses, including the expense of such seizure and holding, and five dollars (\$5) per day for his time during such seizure and holding.

Times of dipping. SEC. 5. Any band or flock of sheep infected with scab or scabies shall be dipped as often as necessary, and until they are pronounced clean by the inspector; but no sheep shall be required to be dipped, at such season of the year, or during such inclement weather, or so short a time before or after lambing, or under any such conditions or circumstances that would endanger the health or lives of such sheep, but diseased or infected sheep which can not for any reason be dipped at once must be held and run under the quarantine regulations of the inspector until such time as they may be safely dipped, and any sheep so held and run shall be so restrained and quarantined as to incur the least practicable damage to the sheep and expense of [or] hardship to the owner, and the fee of five dollars (\$5) per day shall not in any case be charged by the inspector so long as the owner or party in charge shall comply with all reasonable regulations of the inspector.

Inspector must use diligence. SEC. 6. It shall be the duty of each inspector appointed as aforesaid to use diligence in ascertaining the existence of scab or scabies or other contagious or infectious disease among the sheep of his county, and to inspect from time to time all sheep within his county, and see that the spirit and intent of the law is enforced; and any inspector or deputy inspector who shall fail or neglect to faithfully perform the duties of such office shall be guilty of a misdemeanor and subject to a fine not to exceed one hundred dollars (\$100).

Took effect May 1, 1901.

ARKANSAS.

AN ACT To amend the act establishing a district quarantine line in the State of Arkansas.

Be it enacted by the General Assembly of the State of Arkansas:

Time when line is open. SECTION 1. That section two of an act entitled "An act to locate and establish a district cattle quarantine line in the State of Arkansas," approved March 19, 1899, be amended to read as follows: Said line shall be open to the free and unrestricted transfer of cattle, by driving or otherwise, across said line from and after the fifteenth day of November of each year, and shall continue open until the first day of March the succeeding year, after which date it shall be unlawful to drive or transport any and all cattle across said line:

Cattle passing through exempt. *Provided,* That this act shall not interfere with the shipment of cattle by cars which are being transported across the State to other markets or places of destination outside of the State or Territory included in said quarantine district.

Repealing clause. SEC. 2. That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed, and that this act shall take effect and be in force from and after its passage.

Approved February 16, 1901.

AN ACT To amend an act entitled "An act to locate and establish a district cattle quarantine line in the State of Arkansas," approved March 9, 1899.

Be it enacted by the General Assembly of the State of Arkansas:

New quarantine line. SECTION 1. That section 1 of an act to locate and establish a district cattle quarantine line in the State of Arkansas, approved March 9, 1899, be amended so as to read as follows:

"That there shall be established by the State of Arkansas a district cattle quarantine line, described as follows: Beginning at the northwest corner of Benton County and running thence south along the boundary line of this State to the southwest corner of Washington County; thence in an easterly direction following the southern boundary lines of Washington, Madison, Newton, Searcy, and Stone counties to the northwest corner of Cleburne County; thence south along the line between Cleburne and Independence counties to the southwest corner of Independence County; thence east along the southern boundary of Independence County to the west boundary of Jackson County; thence north along the line between Jackson and Independence counties to the Lawrence County line; thence east along the southern boundary of Lawrence County to the southeast corner of Lawrence County; thence north along the eastern boundary of Lawrence County to the southern boundary of Greene County; thence east along the southern boundary of Greene County to the Missouri line."

Repealing clause. SEC. 2. That all laws and parts of laws in conflict herewith be, and the same are hereby, repealed, and that this act take effect and be in force from and after its passage.

Approved March 22, 1901.

IDAHO.

AN ACT To prevent the spread of infectious or contagious diseases, providing for the disposition of animals dying therefrom, and fixing a penalty for failure to comply therewith.

Be it enacted by the Legislature of the State of Idaho:

Destruction of diseased carcasses. SECTION 1. It shall be the duty of any person or persons, company, or corporation, owning any hog, cattle, horse, or other domestic animal, which dies from any infectious or contagious disease, to cremate, or cause to be cremated, bury, or cause to be buried, at a depth of not less than three feet, the carcass of said dead animal, within twelve hours after the owner of said animal has knowledge of the death thereof.

Penalty. SEC. 2. Any person or persons, company, or corporation, violating any of the provisions of section 1 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars (\$25) nor more than three hundred dollars (\$300); and for every

twelve hours after the owner of said animal has knowledge of the death thereof shall be declared a distinct and separate offense.

Carcasses on public highway. It shall be the duty of the road supervisor to remove any dead animal from the public highways whose owners are unknown, and dispose of the same in the manner provided by this act.

Repealing clause. SEC. 3. All acts and parts of acts in conflict herewith are hereby repealed.

Emergency. SEC. 4. Whereas an emergency exists, this act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1901.

AN ACT Establishing quarantine against diseased sheep, prescribing the duties of the governor and State sheep inspector in relation thereto, and providing penalties for the infraction of its provisions.

Be it enacted by the Legislature of the State of Idaho:

Governor to prohibit importation. SECTION 1. Whenever the governor of the State of Idaho has reason to believe that scab or any other infectious disease of sheep has become epidemic in certain localities in any other State or Territory, or that conditions exist that render sheep likely to convey disease, he must thereupon by proclamation designate such localities and prohibit the importation from them of any sheep into the State, except under such restrictions as, after consultation with the State sheep inspector, he may deem proper.

Penalty. Any person or corporation who, after publication of such proclamation, receives in charge any such sheep from any of the prohibited districts, and transports, conveys, or drives the same to and within the limits of any of the counties of this State, is punishable by fine not exceeding one thousand dollars (\$1,000) nor less than two hundred dollars (\$200), and is liable for all damages that may be sustained by any person by reason of the importation or transportation of such prohibited sheep.

Inspectors to enforce quarantine laws. SEC. 2. Whenever the proclamation of the governor, issued as hereinbefore provided, shall prohibit the driving or importation of sheep into this State from another State or Territory, or subdivisions thereof, it shall be the duty of the State sheep inspector, or any of his deputies, to drive or transport said sheep so coming into this State, in violation of said proclamation, back across the State line from which they came, using all necessary force in so doing: *Provided*, That the State sheep inspector, or his deputies, may employ such assistance as may be necessary for the enforcement of the provisions of this act; and the costs of such deportation shall be a lien upon said sheep: *Provided*, That if the fine and costs in this act provided shall not be immediately paid, the deputy sheep inspector shall retain a sufficient number of said sheep to pay such fine and costs, which sheep shall be sold to pay the same, by the deputy sheep inspector, in the same manner as provided by law for the sale of personal property to satisfy a judgment; and for such services the deputy sheep inspector shall receive and retain such fees as are allowed sheriffs for like services, to be taxed as costs.

Refusal to assist. SEC. 3. Any person failing or refusing to assist such deputy sheep inspector, as in the preceding section provided, shall be punished as in section 6517 of the Revised Statutes of Idaho (1887) made and provided.

Emergency. SEC. 4. Whereas an emergency exists therefor, this act shall be in force and effect from and after its passage and approval.

Approved, March 1, 1901.

AN ACT To suppress contagious and infectious diseases of sheep, to create the office of sheep inspector and deputy State sheep inspectors, to provide for the appointment of the same, and to fix their compensation, making the doing of certain acts a crime and providing for the punishment of the same, and for other purposes, and repealing an act entitled "An act to suppress contagious and infectious diseases of sheep, to create the office of State sheep inspector and of deputy sheep inspectors, to provide for the appointment of the same and fix their compensation, making the doing of certain acts a crime and providing for the punishment of the same, and for other purposes," approved February 25, 1899.

Be it enacted by the Legislature of the State of Idaho:

Governor to appoint sheep inspector. SECTION 1. The office of sheep inspector for the State of Idaho is hereby created. It shall be the duty of the governor, within twenty-five days from and after the passage

of this act, to appoint some suitable, capable, and discreet person and practical sheep grower to fill said office.

Salary and duties of inspector. SEC. 2. The said sheep inspector shall receive as full compensation for his services a salary of twelve hundred dollars (\$1,200) per annum, to be paid as the salary and fees of other State officers are paid. It shall be the duty of the State sheep inspector to have general supervision over his deputies appointed under the provisions of this act, and to aid, counsel, and advise with such deputies, and generally to enforce the provisions of this act. The said sheep inspector shall have the same power within the entire State as the deputies appointed by him have in their respective districts, and where the services of the State sheep inspector are demanded in a county or district other than that in which he resides, to settle differences between sheep men and any deputy, it shall be the duty of said State sheep inspector to go and adjust such differences, and the said party or parties demanding such services shall pay the actual traveling expenses of said State sheep inspector.

Term of office and bond. SEC. 3. Said State sheep inspector shall hold his office for the term of two years, and until his successor is appointed and qualified, unless sooner removed by the governor. Before entering upon the discharge of his duties as such officer he shall file an official bond in the sum of five thousand dollars (\$5,000), conditioned for the faithful performance of the duties of his office, in form and manner as other official bonds of State officers.

Deputy inspectors. SEC. 4. Such State sheep inspector shall have power, and it shall be his duty, to divide each county or counties into districts and to appoint for such districts one or more deputy inspectors, as in his judgment may seem necessary. Such deputies shall hold office until their successors are appointed and qualified, unless sooner removed by the State sheep inspector. They shall be practical sheep men, who, before entering into the duties of their office, shall take an oath of office as required of county officers, and shall give a bond to the State of Idaho in the penal sum of five thousand dollars (\$5,000), conditioned for the faithful performance of the duties of such deputy sheep inspector, such bond to be approved by the State sheep inspector and be placed on file in his office. Such deputy shall be subject to removal by the State sheep inspector when, in his judgment, it shall seem necessary.

"Inspection lines." SEC. 5. It shall be the further duty of the State sheep inspector, with the assistance of the deputies appointed by him in the several districts, to create what shall be known as "inspection lines" in each county or district where it shall be deemed necessary between the summer and winter ranges, and shall cause a notice, containing a careful description of said "inspection line" in each district, to be published for three weeks in some newspaper published in said district, and upon the last publication thereof due notice of the location of such "inspection line" shall be deemed to have been given. The expense of such publication shall be a charge against the county where such notice is given, payable as other charges: *Provided*, That this section shall not be so construed as to prohibit other stock crossing said inspection lines and occupying the range inclosed by said lines.

Sheep must not cross line without inspection. SEC. 6. It shall be unlawful for any person, persons, company, or corporation owning, controlling, or managing any band or herd of sheep [to drive or herd] or cause to be driven or herded across such line going to or returning from the summer range without first having his or their sheep inspected, and obtaining the sheep inspector's certificate showing such sheep to be sound and free from scab.

Penalty. Any person, persons, company, or corporation violating this section shall be guilty of a misdemeanor, and shall be, upon conviction, punished by fine of two hundred and fifty dollars (\$250), and such fine shall constitute a first lien upon said sheep so driven or herded, and shall be collected as provided for in section 14 of this act.

Inspectors may administer oaths. SEC. 7. The State sheep inspector and his deputies, appointed under this act, shall have the power to administer oaths so far as the same may be necessary in the proper performance of their duties, and any person who shall, contrary to said oath, state as true any material thing which he knows to be false is guilty of perjury.

Examinations and certificates. SEC. 8. It shall be the duty of at least one deputy inspector in each county or district, to be designated by the State sheep inspector, to personally examine all sheep and bands of

sheep in his county or district between the first day of March and the first day of June of each year, and again between the first day of September and the first day of November of each year; and the State sheep inspector may, at any time he deems necessary, order an inspection in any county or district; and to the owners and persons in charge of herds found to be clean, the deputy shall issue a certificate stating such fact, which certificate shall permit such herds to pass into and through any and all counties in this State so long as they shall remain clean and free from disease; such deputy is required to examine any band or bands of sheep at any time that he may be called upon to do so at the request of one or more sheep growers, in writing, stating that such sheep are affected or infected with some infectious or contagious disease, and that there is imminent and immediate danger of the spread of such disease: *Provided*, That upon examination such sheep are found to be clean, the person or persons making such complaint shall pay the expenses of such examination, which may be recovered in a civil action therefor; but in case such inspector, upon making such examination, finds said sheep diseased, he shall forthwith issue his order quarantining said sheep, and they shall be dealt with as provided in section 9 hereof.

Diseased sheep to be quarantined and dipped.

SEC. 9. Whenever, upon an examination of any bands or herds of sheep kept or herded in any county of the State of Idaho, the deputy sheep inspector of such county or district thereof shall find such sheep, or any portion of them, affected or infected with the scab or scabies, or any other infectious or contagious disease, the entire band or herd shall be considered as infected and treated as such, and he shall immediately quarantine the same and forthwith notify the owner or person in charge of said sheep, in writing, to dip said sheep twice for said disease within the period of thirty days from said notice; the first dipping not to exceed fifteen days from the receipt of said notice and the second dipping to be within the period of from eight or twelve days from the first dipping, and also during such period to keep such sheep free from contact with other sheep by such means as he shall specify until after the second dipping: *Provided*, That in case the owner or controller of any sheep which, on account of their condition, or by reason of the inclemency of the weather, shall, in the opinion of such owner or controller, be unfit or unsafe to dip, such deputy inspector may authorize such owner or controller to place such sheep in a corral, field, or feed yard, where said sheep shall be kept from contact with other sheep until such time as they are in condition to dip. Such owner or controller shall be responsible for any and all damages which may be incurred by reason of such sheep coming in contact with sound sheep. Any person or persons so allowed to keep his sheep in such corral, field, or feed yard, who shall wilfully or knowingly take, or permit to be taken, any such sheep from such corral, field, or feed yard, except as the same shall, by the deputy inspector, be directed or permitted to take to the dip works, shall, upon conviction thereof, be punished by a fine of not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000), or by imprisonment not to exceed six months, or by both said fine and imprisonment.

Superintendence and expenses of dipping.

SEC. 10. Such deputy sheep inspector, or competent persons appointed by him, shall superintend all dipping provided for in this act, and shall have full and complete power to enforce and designate the strength, heat, and length of time such sheep shall be in the bath, and all expenses incurred in so doing, including a compensation of five dollars (\$5) for every day or part of a day in which said deputy sheep inspector or persons appointed by him may be engaged in dipping said sheep, shall become and is hereby made a first lien upon said sheep, and, if the same is not paid within ten days, he shall sell so many of said sheep as may be necessary to realize sufficient money to pay said sum due him, together with the costs and charges of the sale, including five dollars (\$5) per day for each day he holds said sheep. Such sale shall be made and conducted in the same manner as sales of personal property on execution out of the district court.

Penalty for failure to dip.

SEC. 11. The owner or owners or controller of any sheep, or the deputy inspector or persons appointed by him, who shall fail to dip said sheep, as required by the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for a period of not less than two months nor more than six months, or by both such fine and imprisonment.

Dipping at lambing time.

SEC. 12. No person, persons, company, corporation, or association within the State of Idaho shall be required to dip his or their band or bands of ewes, or any part of them, within ten days of the commencing of lambing and fifty days thereafter, of any year, but such sheep

when found to be infected shall be held in quarantine and separate and apart from sound sheep; and the owner, owners, or controllers thereof shall be responsible for all damages as stated in this act, to be recovered as herein provided for.

Hand-dressing in quarantine. SEC. 13. It shall also be the duty of said deputy sheep inspector to require the owner, owners, or controllers of sheep, while held in quarantine during the period mentioned in the above section, to spot or hand dress all sheep in their band or bands that show any scab or any contagious or infectious disease with some reliable medicine; and such deputy sheep inspector shall have the power to enforce such hand-dressing or spotting during the period above referred to the same as he has power to enforce dipping at any other period of the year, as provided in this act.

Owners failing to dip. SEC. 14. Should any owner or person in charge of any sheep found to be infected upon examination by the deputy sheep inspector fail or refuse to dip said sheep, or should do so in an improper manner, it shall be the duty of said deputy sheep inspector to seize said sheep and to dip the same. And when the same shall have been dipped he shall notify the owner or person in charge of the amount of the costs, charges, and expenses due from the same.

If such owner or person in charge shall neglect or refuse for the period of ten days after receiving said notice to pay the same together with all further costs, charges, and expenses of holding said sheep, it shall be the duty of the said deputy to sell so many of said sheep as may be necessary to pay the same and all costs and expenses of said sale. Such sale shall be made and conducted as sales of personal property on execution out of district court.

Salary of deputy inspectors. SEC. 15. The deputy sheep inspectors appointed in this act, shall receive five [dollars] (\$5) per day for every day or part of a day spent in the performance of his duty, to be paid by the owner or owners of the sheep examined, and to be enforced as a lien against the sheep so examined, as provided in section 14 of this act.

Inspection and charges on entering State. SEC. 16. Any person, persons, company, corporation, or association, who shall drive or herd, or cause to be driven or herded, or shall bring or cause to be brought into the State of Idaho, any sheep from any other State, shall immediately, upon crossing the State line of Idaho, notify the deputy sheep inspector of the county or district where said sheep crossed the State line, and before he shall proceed further than two miles from the said State line into the State of Idaho, he shall make an application, in writing, to such deputy inspector for the inspection of said sheep. Said application must be served on the deputy of that county or district in person or left at his place of residence or by registered letter. Said notice must state the time and place said sheep crossed the State line, and the locality from whence they came, and must give the name and residence of the owner of said sheep and the name of the herder or controller, the number of sheep and the brands of said sheep, and for each band of sheep of 3,000 head or less, the party making the application shall deposit with the deputy inspector the sum of ten dollars (\$10) to cover the cost of inspection of said sheep.

Any deputy sheep inspector on receiving such notice shall at once proceed to inspect said sheep as set forth in the application, and if, upon inspection, said deputy inspector shall deem it necessary or advisable so to do to prevent or avoid infection therefrom, he shall cause said sheep to be quarantined at some place not more than two miles from the said State line where said sheep entered the State of Idaho, for a period of not more than ninety days, and if deemed necessary by him, said inspector shall cause said sheep to be dipped at least twice, at the option of the said deputy inspector, before they are released from such quarantine.

Any person, persons, company, corporation, or association, or his or their agent or employé, who shall ship by railroad into this State from any other State, any sheep, shall, before such sheep are unloaded at any point or place within this State, notify personally the deputy inspector of the district within which it is intended to unload such sheep, and thereupon said deputy inspector shall forthwith proceed to inspect, quarantine, and dip said sheep as in this section heretofore provided.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined, upon conviction thereof, in a sum not less than five hundred dollars (\$500) and not exceeding five thousand dollars (\$5,000), which fine shall be a lien upon said sheep, and shall be enforced by proper proceedings in any court of competent jurisdiction.

SEC. 17. It shall be the duty of the deputy sheep inspector, upon receipt of such notice of sheep having crossed the State line in his district, at once to inspect the same, as provided in the preceding section, and said sheep must remain within two miles of said State line until so inspected.

Any person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000).

When sheep are brought into this State, in violation of section 16 of this act, it shall be the duty of the deputy sheep inspector of the district or county wherein said sheep may be, immediately to seize the same and hold them, and file a complaint in a court of competent jurisdiction, charging the owner or person in charge of said sheep with a violation hereof, and, upon the conviction of the defendant in said action, the said deputy shall (unless all fines, costs, and charges be immediately paid) sell, in the same manner as sales of personal property on execution out of the district court, so many of said sheep as may be necessary to pay the costs and charges of making such sale, including the compensation due him, together with the fine imposed in such action. And a certified copy of the judgment in such action shall be his sufficient warrant for doing the same.

Penalty for importing infected sheep.

SEC. 18. It is unlawful for any person, persons, company, corporation, or association to drive, or cause to be driven, bring or cause to be brought, into the State of Idaho from any other State any sheep infected with scab or any contagious or infectious disease. Every person so offending shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than five hundred dollars (\$500) and not exceeding five thousand dollars (\$5,000), or by imprisonment in the county jail for not less than six months nor more than one year, or by both such fine and imprisonment, for each and every herd or band of such sheep consisting of three thousand head or less, so brought into this State. And said sheep shall be seized, held, and sold to satisfy the costs of seizure and the payment of any fine that shall be imposed by any court of competent jurisdiction in the manner provided for in section 17 hereof.

Traveling permit for infected sheep.

SEC. 19. Any person, persons, company, or corporation or association within the State desiring to move his or their sheep, which are not sound, or are infected by scab or other infectious or contagious disease, shall first obtain from the deputy sheep inspector a traveling permit. Such permit shall only be granted for the purpose of removing said sheep to the nearest suitable point where there are available dipping works, or where they can be constructed, at which place said sheep shall be dipped. Such sheep shall travel to said point over a route designated by the deputy sheep inspector.

Herders to be notified.

The person or persons moving said sheep shall first notify all parties herding sheep along or over said route that the infected sheep have to travel of the time they will pass over said route. And any person, persons, company, corporation, or association injured or damaged by reason of the moving of said sheep shall be entitled to recover from the person, persons, company, corporation, or association moving the same, in civil action, the amount of damage, direct and consequential: *Provided, however,* No party shall be entitled to recover damages who voluntarily herd, or cause to be herded, any sheep on quarantined ground. Said sheep so voluntarily herded shall be considered as scabby without inspection, and shall be treated as provided in section 9 hereof.

Penalty. Any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not less than two months nor more than six months, or by both such fine and imprisonment.

Inspectors' liability.

SEC. 20. Any deputy sheep inspector granting a permit allowing sheep to travel, without at the time having first examined the sheep, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than three hundred dollars (\$300) and not more than five hundred dollars (\$500).

Owners must report disease within fifteen days.

SEC. 21. Any person or persons owning or having under their control sheep or bands of sheep which have become infected with the scab or other infectious or contagious disease for a period of fifteen days without reporting the fact to

the deputy sheep inspector of such county or district thereof where such sheep are situate, in writing, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not less than two months nor more than six months, or by both such fine and imprisonment. Such fine, if not immediately paid, shall be collected, together with all costs and charges, by seizure and sale of the sheep, as provided in section 17 hereof.

Placing sheep in another's corral.

SEC. 22. It shall be unlawful for any person, persons, company, corporation, or association to drive or cause to be driven any sheep into any sheep corral the property of another without first having obtained in writing the consent of the owner or person having control or custody of such sheep corral.

Penalty. Any person, persons, company, corporation, or association violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine of not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500) or imprisonment in the county jail for not less than six months nor more than one year, or by both such fine and imprisonment.

Definition of owner.

SEC. 23. In any action or proceeding, civil or criminal, arising under this act, all persons having any interest in sheep or controlling the same, and concerning which said action or proceeding is had, shall be deemed the owner of said sheep, and shall be liable, jointly and severally, for such violation.

Herder must give information to inspector.

Any herder or shepherd or other person in charge of sheep may be sworn to give any deputy sheep inspector any and all information as to the condition of the sheep in his charge, to the best of his knowledge, on being requested so to do by the deputy, and upon refusing to do so shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300) or by imprisonment in the county jail for not less than two months nor more than six months, or by both such fine and imprisonment.

Marks and brands and deputies' reports.

SEC. 24. It shall be the duty of each deputy sheep inspector appointed under this act to keep a book in which he shall record as complete a description as practicable of the marks and brands with which each person in his county or district marks or brands his sheep, and the owners of sheep shall report, in writing, to such deputy sheep inspector their marks and brands for the purpose of aiding such deputy sheep inspector to make up and keep such records. Such deputy sheep inspectors are also required to keep a book in which they shall record the name of all persons prosecuted for violation of this act, together with a description of the particular offense charged against him or them, the name of the court in which the prosecution was had, and the result of such prosecution, giving the amount of fines, where fines are imposed. And on the first day of January of each year each deputy sheep inspector appointed under the provisions of this act shall make a report to the State sheep inspector; at the end of each inspection period shall state the condition in his county or district and the number of cases of scab, which report shall contain a true and correct copy of his record as contained in the books required by him to be kept under the provisions of this act, which report shall be placed on file in the office of the State sheep inspector. Said deputy inspector shall also keep a record showing the names of the owners or controllers of and the number and brands of all sheep inspected and quarantined by him under the provisions of section 16 of this act, together with the cause of quarantine, when the same shall have been imposed, and the length of time such quarantine was continued.

Common carriers must have certificate of inspection.

SEC. 25. It shall be unlawful for any person, persons, company, corporation, or association owning, controlling, or managing a ferryboat, toll bridge, car, steamboat, or other things used for transportation in the State of Idaho to allow any sheep destined to points within the State to be loaded thereon unless the party in charge of said sheep shall first produce a certificate from a deputy sheep inspector appointed under this act that said sheep are free from scab, scabies, and other infectious or contagious disease: *Provided*, That this shall in no case apply to sheep being shipped out of the State. Any violation of this section shall be deemed a misdemeanor and punishable by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

Stray sheep to be reported. SEC. 26. If any person, persons, company, or corporation in driving or herding any sheep should get into his or their herd any stray sheep, he or they must, within five days after discovering the fact, notify the owner thereof; and if the owner is unknown he or they shall forthwith notify the deputy sheep inspector of such county, giving the number of such sheep and the brands of each.

Penalty. Any person, persons, company, corporation, or association violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300).

Deputies have power to arrest. SEC. 27. All deputy sheep inspectors are hereby given the power, and it is made their duty, to arrest and bring before a justice of the peace, or other court having jurisdiction of the same, all persons found violating any of the provisions of this act, where a complaint shall be filed by such deputy sheep inspector, either upon his own knowledge or upon information of such violation; whereupon a hearing shall be had as in other like criminal cases; and such deputy sheep inspectors are hereby vested with the same authority to arrest, and to require aid, in the execution of their said office, as sheriffs and their deputies of the several counties of the State: *Provided*, That the provisions of this act requiring the deputy sheep inspector to prosecute for a violation of the provisions hereof shall not be construed so as to prevent such prosecution from being commenced and prosecuted by other persons as criminal actions are commenced and prosecuted in other cases.

Deputies' fee for prosecution. The deputy sheep inspectors, as full compensation for their services in prosecutions under this act, shall be allowed five dollars (\$5) per day, and same shall be assessed as costs in the case against the defendant.

Law of 1899 repealed. SEC. 28. An act entitled "An act to suppress contagious and infectious disease of sheep; to create the office of State sheep inspector and of deputy sheep inspectors, to provide for the appointment of the same and fix their compensation; making the doing of certain acts a crime and providing for the punishment of the same, and for other purposes," approved February 25, 1899, is hereby repealed.

Repealing clause. SEC. 29. All acts and parts of acts in conflict with this act are hereby repealed.

Emergency. SEC. 30. Whereas an emergency exists therefor, this act shall be in force and take effect from and after its passage.

Approved March 7, 1901.

INDIANA.

AN ACT Entitled an act to establish the office of State veterinarian of Indiana, to provide for the appointment of the State veterinarian by the governor, and to provide for the control and suppression of dangerous, contagious, and infectious diseases among domestic animals, making an appropriation for expenses of the same, and for the repeal of all laws or parts of laws conflicting herewith.

Be it enacted by the General Assembly of the State of Indiana:

State veterinarian, qualifications, etc. SECTION 1. That an office is hereby established, to be known as the State veterinarian of Indiana. The office of State veterinarian of Indiana shall be filled by appointment by the governor; the person so appointed shall be a competent and qualified veterinarian of large experience, and shall be a graduate of a reputable veterinary college in the United States, Canada, or Europe. The term of office of the State veterinarian shall be four years, but he may be removed for cause.

Duties of State veterinarian. SEC. 2. That it shall be the duty of the State veterinarian to protect the health of the domestic animals of the State, and to determine the most efficient and practical means for the prevention, suppression, control, and eradication of dangerous, contagious, and infectious diseases, and to investigate the cause, nature, means of prevention, and treatment of such diseases as he may deem advisable, and for these purposes he is hereby authorized and empowered to establish, maintain, enforce, and regulate such quarantine and other measures relating to the movements and care of animals and their products, the disinfection of suspected localities and articles, and the destruction of such ani-

mals and property as he may deem necessary, and to adopt from time to time all such regulations as may be necessary and proper for the carrying out of the purposes of this act: *Provided, however*, That in the case of any slowly contagious disease, only suspected or diseased animals shall be quarantined.

Appraisal of condemned animals. SEC. 3. That when it shall be deemed necessary to kill any animal or animals, or to destroy any property to prevent further spread of disease, the State veterinarian or his agent may adjust the claim with the owner or his agent: *Provided*, That the amount to be paid is less than twenty-five dollars (\$25); if the claim exceed twenty-five dollars (\$25), or an agreement can not be made with the owner or claimant for the amount thereof, three appraisers, who shall be freeholders in the county, shall be appointed, one by the State veterinarian or his agent, one by the owner or claimant, and a third by the two appointed, as aforesaid, who shall under oath or affirmation appraise the animal, animals, or property, taking into consideration their or its actual value at the time of appraisement, and such appraisement shall be paid in the same manner as other expenses under this act are provided for: *Provided*, That under such appraisement not more than twenty-five dollars (\$25) shall be paid for any infected animal: *And provided further*, The right to indemnity does not exist and the payment of such must not be made in the following cases:

For animals belonging to the United States;

For animals belonging to the State;

For animals brought into the State contrary to the rules and regulations of the State veterinarian;

For animals found to be diseased, or that are destroyed because they have been exposed to disease before or at the time of their arrival in the State;

For an animal which was previously affected by any other disease which from its nature and development was incurable and necessarily fatal;

For an animal which the owner knowingly or wittingly purchased affected with disease, or from a place where contagious disease was known to exist.

Dipping of sheep. SEC. 4. That all sheep consigned to or passing through stock yards shall be dipped before leaving, if intended for any other purposes than immediate slaughter in the State, the time of dipping, the manner of dipping, and kind of dip used to be subject to the approval of the State veterinarian: *Provided*, That in the winter and at such times as the dipping of sheep would be hazardous to their health, the sheep may be withdrawn upon permit from the State veterinarian, which permit shall be issued upon the written agreement of the owner that the sheep will remain in his possession, and that he will dip at such future time and in such manner as the State veterinarian may direct. That all sheep found affected with scabies shall be dipped at such time and in such manner and with such dip as the State veterinarian shall direct, and at the expense of the owner.

Power to enter premises, etc. SEC. 5. That the State veterinarian or his authorized agent shall at all times have the right to enter any premises, farms, fields, pens, abattoirs, slaughterhouses, buildings, cars, or vessels where any domestic animals are at the time quartered, or wherever the carcass of any one may be, for the purpose of examining it in any way that may be deemed necessary to determine whether they are or were the subjects of any contagious or infectious disease.

Cooperation with United States Government. SEC. 6. That the State veterinarian may accept in behalf of the State the rules and regulations prepared and adopted by the Department of Agriculture of the United States for the suppression of any contagious diseases among domestic animals, and shall cooperate with the authorities of the United States in the enforcement of such rules and regulations.

Powers of United States inspectors. SEC. 7. That the inspectors of the Bureau of Animal Industry shall have the same right of inspection, quarantine, and condemnation of animals affected with any contagious or infectious disease or suspected to be so affected, or that may have been exposed to any such disease, and for such purposes they may enter upon any ground or premises, they may call upon the sheriffs, constables, and other peace officers to assist them in the discharge of their duties, and such sheriffs, constables, or peace officers shall assist such inspectors when so requested, and such inspectors shall have the same power and protection as peace officers when in the discharge of their duties: *Provided*, That this State shall not be liable for any damages or expenses caused or made by such inspectors.

Governor may prohibit importation. SEC. 8. That whenever the governor has good reasons to believe that any disease has become epidemic in another State or Territory, and that the importation of animals from such State or Territory would be prejudicial to the health of the domestic animals of this State, he must, by proclamation, designate such locality or localities and prohibit the importation therefrom of any live stock of the kind diseased, except under such rules and regulations as the State veterinarian shall prescribe.

Owners to report disease. SEC. 9. That any person knowing or suspecting a dangerous, contagious, or infectious disease to exist among live stock shall report the same to the local health officer, who shall, within twenty-four hours, report the same to the State veterinarian. The State veterinarian or his agent shall visit the locality and make an examination of the suspected stock and prescribe and enforce such rules and regulations as may be necessary: *Provided*, That an owner of an animal or animals affected with a dangerous or contagious disease shall report the same within forty-eight hours after knowing such to exist.

Inspection of dairies, etc. SEC. 10. The State veterinarian shall, as far as possible, investigate such diseases of animals as are communicable to man, and such conditions of dairies as the State board of health may request.

General penalty. SEC. 11. Any person or persons, any company or corporation, wilfully violating any of the provisions of this act, or any regulation or order of the State veterinarian or agent appointed by him shall be deemed guilty of misdemeanor, and shall, upon conviction, be punished by a fine not exceeding one hundred dollars (\$100), or by imprisonment not exceeding thirty days, or both, at the discretion of the court.

Assistance and supplies. SEC. 12. That the State veterinarian is hereby empowered to appoint and employ such assistants or agents, and to purchase supplies and materials as may be necessary in carrying out the provisions of this act: *Provided*, That the sum expended for supplies and materials shall not exceed two hundred dollars (\$200) in any one year. That the State veterinarian or his duly appointed agents are empowered to administer oaths or affirmations, that they may make such examinations into the conditions of the live stock of the State in relation to contagious and infectious diseases, including milk supplies of cities, towns, and villages, as may seem necessary, and to take proper measures to protect such milk supplies from contamination. The decision of the State veterinarian in all matters pertaining to diseases of domestic animals and his orders as to their disposition shall be final. He may call upon any peace officer for assistance in the discharge of his duties, and such peace officer shall give assistance.

To publish rules and regulations. SEC. 13. That the State veterinarian shall, from time to time, publish the rules and regulations pertaining to the control and suppression of dangerous, contagious, and infectious diseases of domestic animals, and such regulations shall have the force and effect of laws of the State of Indiana. He shall make an annual report to the governor of all work done and a statement of expenditures.

Salaries and accounts. SEC. 14. That the governor, auditor of state, and treasurer of state shall constitute a committee to determine the salary of the State veterinarian and to audit his accounts, and upon the certification by the governor to the auditor of State the amount due the State veterinarian and assistants for salary and expenses the auditor shall draw his warrant upon the treasurer for said amount in favor of the State veterinarian and assistants, respectively, payable out of the funds hereinafter appropriated; and upon further certification by the governor to the auditor of State of the amount due any person for an animal or animals condemned or property destroyed, the auditor shall draw his warrant upon the treasurer for the amount so certified, payable out of the funds hereinafter appropriated: *Provided*, That said committee shall not receive additional compensation for said work: *And further provided*, That the salary of the State veterinarian shall not exceed twelve hundred dollars (\$1,200) and necessary traveling expenses in one year, and that not more than eight hundred dollars (\$800) shall be allowed for assistants.

Appropriation. SEC. 15. That the sum of three thousand dollars (\$3,000) is hereby appropriated annually for carrying out the provisions of this act.

Law of 1889 repealed. SEC. 16. That an act entitled "An act to provide for a live-stock sanitary commission and a State veterinarian, and to prescribe their powers and duties, and to prevent and suppress contagious and

infectious diseases among the live stock of the State, and to declare an emergency," approved March 9, 1889, and all other laws and parts of laws in conflict therewith, be and the same are hereby repealed.

Approved, March 6, 1901.

KANSAS.

AN ACT Supplementary to and amendatory of chapter 139 and chapter 142 of the General Statutes of Kansas, 1897, and to repeal sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 14, and amend sections 15 and 16 of said chapter 139 of the General Statutes of Kansas, 1897, and to amend sections 2, 13, 14, and 19 of chapter 142 of the General Statutes of Kansas, 1897, and to enlarge the powers and duties of the live-stock sanitary commission, to provide for the inspection of cattle and fix fees therefor, to provide for the appointment of live-stock inspectors and clerk by the live-stock sanitary commission, and fix compensation of persons so appointed, and to provide punishment for the violation of the provisions hereof.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 14 of chapter 139 of the General Statutes of Kansas, 1897, be and the same are hereby repealed.

Quarantine regulations.

SEC. 2. That section 15 of chapter 139 of General Statutes of Kansas, 1897, be and hereby is amended to read as follows:

"SEC. 15. Whenever the live-stock sanitary commission shall determine that certain cattle or other animals within the State are capable of communicating or liable to impart Texas, splenic, or Spanish, fever, or any other infectious or contagious disease, they shall issue their order to the sheriff or any constable of the county in which such cattle or other animals are found, commanding him to take and keep such cattle or other animals in his custody, subject to such quarantine regulations as they may prescribe, until such time as shall be prescribed by the commission, on which date they shall direct such officer to deliver said cattle or other animals to their owner or owners or his or their agent.

Costs of quarantine. "Before any cattle or other animals shall be delivered as aforesaid there shall be paid to said live-stock sanitary commission all costs and expenses of taking and detaining and holding said cattle or other animals; and in case such costs and expenses are not so paid at the time fixed by said commission, the said officer shall advertise, in the same manner as is by law provided in cases of sale of personal property on execution, that he will sell such cattle or other animals, or such portion thereof as may be necessary to pay such costs and expenses, together with the costs and expenses of such sale; and at the time and place so advertised he shall proceed to sell as many of said cattle or other animals as may be necessary to pay for such costs and expenses and the expenses of such sale, and shall forthwith pay over to the live-stock sanitary commission any amount so received in excess of the legal fees and expenses of such officer; and any officer performing any of the duties enjoined in this section or any other section of this act shall receive the same compensation therefor as is prescribed by law for similar services, and in case such fees can not be collected by the sale of such stock they shall be paid by the county in which such stock was held."

Shipping diseased cattle.

SEC. 3. That section 16 of chapter 139 of the General Statutes of Kansas, 1897, be and the same is hereby amended to read as follows:

"SEC. 16. Any person or persons who shall drive, ship, or transport, or cause to be driven, shipped, or transported, into or through any county in this State any cattle liable to or capable of communicating Texas, splenic, or Spanish, fever to any domestic cattle of this State shall be liable to any person or persons injured thereby for all damages that they may sustain by reason of the communication of said diseases of Texas, splenic, or Spanish, fever, to be recovered in a civil action in any court of competent jurisdiction, and the parties so injured shall have a lien for such damages on the cattle communicating the disease of Texas, splenic, or Spanish, fever."

Duties of secretary of commission.

SEC. 4. That section 2 of chapter 142 of the General Statutes of Kansas, 1897, be and the same hereby is amended to read as follows:

"SEC. 2. Said commissioners shall elect one of their members chairman, one of their members secretary, and it shall be the duty of the secretary to make and keep a record of all of the official acts and proceedings of the commission and its members

and report the same to the governor annually, and oftener, if required, for publication. Such annual report shall include an itemized statement of the expenditures and disposition of all funds coming into the possession of the commission, and of the amount of compensation received by said commission, and all expenses incurred by said commission in the performance of their duties, and a statement of all animals directed to be killed, together with the appraised value thereof; and for such purposes the commission may appoint and employ one clerk, at a salary not exceeding six hundred dollars (\$600) per annum."

Owners to report disease.

SEC. 5. That section 13 of chapter 142 of the General Statutes of Kansas, 1897, be and the same hereby is amended to read as follows:

"SEC. 13. It shall be the duty of any owner or person in charge of any domestic animal or animals, who discovers, supposes, or has reason to believe that any domestic animal owned by him or in his charge or keeping is affected with Texas, splenic, or Spanish, fever, or any other contagious or infectious disease, to immediately report such fact, belief, or supposition to the live-stock sanitary commission or some member thereof and to the sheriff and county clerk of the county in which such domestic animal is kept or found; and it shall be the duty of any person who discovers the existence of any contagious or infectious disease among the domestic animals of any person to report the same at once to the sheriff and county clerk of the county in which such domestic animals are kept or found."

Duties of sheriff.

SEC. 6. That section 14 of chapter 142 of the General Statutes of Kansas, 1897, be and the same hereby is amended to read as follows:

"SEC. 14. The sheriff to whom the existence of any Texas, splenic, or Spanish, fever or any other contagious or infectious disease of domestic animals is reported shall forthwith proceed to the place where such domestic animal is and examine the same, and forthwith report the result of such examination to the live-stock sanitary commission or any member thereof, and said sheriff shall prescribe such temporary quarantine regulations as will prevent the spread of the disease, contagion, or infection until the live-stock sanitary commission can provide and order suitable quarantine rules and regulations; and any such sheriff who shall take or detain such cattle or other live stock under the provisions of this act shall not be liable to the owner or owners of such cattle or other live stock for any damages by reason of such taking or detention, or by reason of the performance of any other duties enjoined by law."

Owners liable.

SEC. 7. That section 19, chapter 142, of the General Statutes of Kansas, 1897, be and the same is hereby amended to read as follows:

"SEC. 19. Any person who shall have in his possession any domestic animals affected with any contagious or infectious disease, knowing such animal to be so affected, or after having received notice that such animal is so affected, who shall permit such animal to run at large or who shall keep such animal where other domestic animals not affected with or previously exposed to such disease, contagion, or infection, or who shall sell, ship, drive, trade, or give away such diseased and infected animal or animals which have been exposed to such infection and contagion, or who shall move or drive any domestic animal in violation of rules, regulation, direction, or order establishing and regulating quarantine, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred (\$100) or more than five hundred dollars (\$500) for each of such diseased or exposed domestic animals which he shall permit to run at large or keep, or sell, ship, drive, or trade, or give away in violation of the provisions of this act: *Provided*, That any owner of any domestic animal which has been affected with or exposed to any contagious or infectious disease may dispose of the same after they [he] obtain[s] from the live-stock sanitary commission a bill of health for such animal."

Cattle carrying ticks.

SEC. 8. All cattle being at or brought from any point south of the south line of the State of Kansas, and carrying *Boophilus bovis*, or Southern ticks, are deemed to be infected with and capable of communicating Texas, splenic, or Spanish, fever, and such cattle shall not be shipped or transported into the State of Kansas except for immediate slaughter, and then only under such rules and regulations as may be prescribed by the live-stock sanitary commission.

Southern cattle to be inspected.

SEC. 9. It shall be unlawful for any person or persons to bring, drive, or transport any cattle into any county of the State of Kansas, except for immediate slaughter, as provided in the preceding section, from any point south of the south line of Kansas, without

having first caused such animal or animals to be inspected and passed under certificate of health by the live-stock sanitary commission of this State, or some inspector thereof; and any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty (\$50) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail not less than thirty days nor more than one year, or by both such fine and imprisonment.

Inspection stations. SEC. 10. The live-stock sanitary commission is hereby authorized and empowered to establish stations along the south line of the State of Kansas for the inspection and admission of cattle into the State, as may be necessary to afford reasonable convenience for the inspection and admission of such cattle as are healthy and, being free from infection and contagion, may be entitled to admission under the laws of Kansas; and such commission shall appoint competent inspectors, and station them at such points and places as the commission may deem necessary for the accommodation of the business interests and protection of the live stock in the State of Kansas, by the prompt and thorough inspection of cattle brought into this State: *Provided*, That the number of inspectors so appointed shall not at any time exceed seven.

Duties of inspectors. SEC. 11. It shall be the duty of such inspectors so appointed by the live-stock sanitary commission to promptly examine and inspect all cattle presented for admission into this State from any point south of the south line of the State of Kansas, and if, upon such inspection, the same shall be found free from any infection or contagion, and clean of and not carry any *Boophilus* *bovis*, or Southern ticks, he shall make out and deliver to the owner or person in charge of said cattle a certificate that the same have been inspected and found to be healthy and free from infection and contagion.

Inspection fees. SEC. 12. Any owner or owners of cattle required to be inspected under the provisions of the preceding section shall not be entitled to have such inspection made until he shall have paid or tendered to the live-stock sanitary commission, or some member thereof, or some person appointed and authorized to make inspection for said commission, an inspection fee of two (2) cents for each head so to be inspected, which fee, when collected by the commission, commissioner, or inspector, as aforesaid, shall be paid into the State treasury of the State of Kansas, and become a fund for the payment of salaries of such inspection: *Provided*, That the provisions of this section shall not apply to shipments made to points not within the State of Kansas, nor to points within the State of Kansas, if such shipments are for immediate slaughter.

Salary of inspectors. SEC. 13. The inspectors hereinbefore provided shall receive as full compensation for their services the sum of one hundred dollars (\$100) per month, to be paid out of the funds in the State treasury derived from the fees collected as provided in the last preceding section; but if from any cause said fund shall at any time be insufficient to pay such salaries, then the same shall be paid as the salaries of other State officers.

SEC. 14. That sections 15 and 16, of chapter 139 of the General Statutes of Kansas, 1897, and sections 2, 13, 14, and 19, of chapter 142 of the General Statutes of Kansas, 1897, be, and the same are hereby, repealed.

SEC. 15. This act to take effect and be enforced from and after its publication in the official State paper.

Approved February 28, 1901.

Published in official State paper March 15, 1901.

MASSACHUSETTS.

AN ACT Relative to infectious diseases among domestic animals.

Be it enacted, etc., as follows:

Law of 1899 amended. Section eight of chapter four hundred and eight of the acts of the year eighteen hundred and ninety-nine is hereby amended by inserting after the word "killed," in the twenty-sixth line, the words: "or if such animal has been inspected and proof satisfactory to said board

has been furnished to it, by certificate or otherwise, of the freedom of such animal from disease," so as to read as follows:

Animals condemned. SEC. 8. When the board of cattle commissioners or any of its members or agents, by examination of a case of contagious disease among domestic animals, is convinced that the public good requires it, the board, commissioner, or agent shall cause such animal or animals to be securely isolated, or shall cause it or them to be killed without appraisal or payment. Such order for killing shall be issued in writing by the board or any of its members, and may be directed to an inspector or other person, and shall contain such direction as to the examination and disposal of the carcass, and the cleansing and disinfecting of the premises where such animal was condemned, as the board or commissioner shall deem expedient.

Payment to owner. "A reasonable sum may be paid out of the treasury of the Commonwealth for the expense of such killing and burial. If it shall subsequently appear, upon postmortem examination or otherwise, that such animal was free from the disease for which it was condemned, a reasonable sum therefor shall be paid to the owner by the Commonwealth. Whenever any cattle condemned as afflicted with the disease of tuberculosis are killed under the provisions of this section, the full value thereof at the time of condemnation, not exceeding the sum of forty dollars (\$40) for any one animal, shall be paid to the owner out of the treasury of the Commonwealth if such animal has been owned within the State six months continuously prior to its being killed, or if such animal has been inspected and proof satisfactory to said board has been furnished to it, by certificate or otherwise, of the freedom of such animal from disease: *Provided, however,* That such person shall not have, prior thereto, in the judgment of the board, by willful act or neglect, contributed to the spread of tuberculosis; but such decision on the part of the commissioners shall not deprive the owner of the right of arbitration as hereinafter provided."

Approved April 4, 1901.

MINNESOTA.

AN ACT To amend chapter 233 of the the General Laws of 1897 entitled "An act to prevent the spread of contagious and infectious diseases among domestic animals in this State."

Be it enacted by the Legislature of the State of Minnesota:

Regulations for quarantine, etc. SECTION 1. That section one of chapter two hundred and thirty-three of the General Laws of the State of Minnesota for the year 1897, entitled "An act to prevent the spread of contagious and infectious diseases among domestic animals in this State," be, and the same is hereby, amended to read as follows:

"SECTION 1. Authority is hereby given to the State board of health, and to the several local boards of health of the towns, villages, and cities of this State, to take all steps they may severally deem necessary to control, suppress, and eradicate any and all contagious and infectious diseases among any of the domestic animals in this State, and to that end said board are hereby severally empowered, within their respective jurisdictions, to quarantine any domestic animal which is infected with any such disease, or which has been exposed to infection therefrom; to kill any animal so infected, and whenever deemed necessary by the State board of health, to kill any animal which has been exposed to the infection of any such disease; to regulate or prohibit the arrival in or departure from this State, and the towns, villages, and cities thereof, of any such exposed or infected animal, and, at the cost of the owner thereof, to detain any domestic animal found in violation of any such regulation or prohibition; to adopt all such rules and regulations as may be by such several boards deemed necessary or expedient to enforce the authority hereby given; and said State board of health is hereby expressly given authority to regulate or prohibit the shipment into this State of any domestic animal which, in the judgment of said board, may endanger the public health: *Provided,* That no board of health shall by any rule or regulation thereof prohibit the sale, disposal, or removal of any domestic animal by any person or persons, or from any place, when said animal has no contagious disease, or has not been exposed to any contagious disease, and that the fact that animals are upon the same premises with others having a contagious disease shall not of itself be construed as evidence of exposure to such contagious disease as is had by said other animals."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 9, 1901.

AN ACT To amend sections 5 and 12 of chapter 233 of the laws of 1897, entitled "An act to prevent the spread of contagious and infectious diseases among domestic animals in this State."

Be it enacted by the Legislature of the State of Minnesota:

Rights of owners when animals ordered killed.

SECTION 1. That section five of chapter two hundred and thirty-three of the laws of 1897 be, and the same is hereby, amended so as to

read as follows:

"SEC. 5. Whenever a domestic animal has been adjudged to be infected with a contagious or infectious disease, and has been ordered killed by the State board of health, or by a local board of health, the owner or keeper of such animal shall be notified thereof, and within twenty-four hours thereafter he may file a protest with the board of health which has ordered such animal killed against the killing thereof, and shall therein state, under oath, that to the best of his belief such animal is not infected with any contagious or infectious disease; whereupon, said animal being killed notwithstanding such protest, a postmortem examination thereof shall be made by experts, appointed one by the board of health—one by the owner, and one by the two already appointed—and if upon such examination said animal shall be found to have been entirely free from contagious or infectious disease there shall be appointed three competent and disinterested men—one by the board of health, one by the owner of the animal killed, and the third by the two already appointed—to appraise it at its cash value immediately before it was killed, and the amount of such appraisal shall be paid to the owner of such animal, one-fifth part thereof by the town, village, or city where the animal was kept, and four-fifths thereof by the State.

Appraisals. "All appraisements made under this act shall be in writing and signed by the appraisers and certified to by the local board of health and the State board of health, respectively, to the governor of the State and to the treasurer of the several towns, villages, and cities wherein the animals appraised were kept. Upon the filing of any such appraisal it shall be the duty of the State board of health with which the same is filed to make a certificate, under their hands, of the number of days served by the appraisers in making their appraisal, and upon the filing of such certificate with the State treasurer, such treasurer shall pay each of said appraisers one dollar (\$1) per day for his services as such appraiser.

Payment for animals killed. "Whenever any such animal has been adjudged infected with the disease of tuberculosis, and has been ordered killed by the State board of health or by a local board of health, and is killed in accordance therewith, the value of such animal, less the value of the carcass thereof, shall be determined as hereinbefore specified, and shall be paid for to the owner as follows: One-third of the value thereof shall be paid by the State, one-third thereof by the town, village, or city where the animal is kept, and the remaining one-third thereof shall be borne by the owner of such animal.

"Payment in such cases shall be made by the State and such town, village, or city, as hereinbefore set forth: *Provided, however,* That in no case shall the appraised value of such animal exceed the sum of forty dollars (\$40), nor shall any payment be made for the killing of any such animal infected with said disease of tuberculosis unless such animal was owned and kept in good faith in this State for at least the space of one year next prior to the killing thereof.

"Whenever any such animal which has not been adjudged to be infected is killed by order of said board, but not by the owner or keeper thereof, a postmortem examination thereof shall be made by experts, appointed as aforesaid, and if found to have been entirely free from any infectious disease the value of such animal shall be determined and paid for as hereinbefore specified. Except as in this section expressly provided, no compensation shall be paid for any animal killed by virtue of any authority given by this act."

Appropriation. SEC. 2. That section twelve of chapter two hundred and thirty-three of the laws of 1897 be, and the same is hereby, amended so as to read as follows:

"SEC. 12. The sum of nineteen thousand dollars (\$19,000), or so much thereof as is necessary, is hereby annually appropriated for the payment of the expenses that may be incurred by the State in enforcing this act, such expense to be approved by the State board of health and by the governor."

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 13, 1901.

MONTANA

AN ACT Amending section 3018 of Article V, Chapter V, Part III, Title VII, of the Political Code, relating to the appointment and compensation of deputy veterinary surgeons.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That section 3018 of Article V, Chapter V, Part III, Title VII, of the Political Code be, and the same is hereby, amended so as to read as follows:

"SEC. 3018. The veterinary surgeon has power to appoint from time to time one deputy at any time he can not personally attend to all the duties required by his office, at a salary not to exceed five dollars (\$5) per day for each day actually employed, together with his actual and necessary traveling expenses, to be paid out of the stock indemnity fund."

SEC. 2. This act shall be in effect from and after its passage and approval.

Approved March 16, 1901.

AN ACT To prevent the slaughter and sale of big-jawed cattle and cattle having any other disease, and prescribing punishment therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. Any person who shall slaughter, sell, or offer for sale for the purpose of food any cattle having big jaw or any other disease shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not exceeding five hundred dollars (\$500) or be imprisoned in the county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 3. This act shall be in full force and effect from and after its passage and approval by the governor.

Approved March 9, 1901.

NEBRASKA.

AN ACT To amend sections 60, 61, 61a, and 61b, and to repeal section 61c, chapter 4, article 1, Compiled Statutes of Nebraska, 1899, relative to swine diseases, and to repeal said original sections 60, 61, 61a, 61b, and 61c, chapter 4, article 1, Compiled Statutes of Nebraska, 1899.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section 60 of chapter 4, article 1, of Compiled Statutes of Nebraska, 1899, be, and hereby is, amended to read as follows:

Disposal of diseased carcasses. "SEC. 60. The owner of any swine which die from disease or sickness shall have the carcasses of the same buried within twenty-four hours after death, at least eighteen inches deep, or have the carcasses burned on the premises where the animal died. Any person violating this section shall be guilty of a misdemeanor, and upon conviction thereof be fined in any sum not to exceed ten dollars (\$10)."

SEC. 2. That section 61 of chapter 4, article 1, of Compiled Statutes of Nebraska, 1899, be, and is hereby, amended to read as follows:

Dealing in diseased carcasses. "SEC. 61. If any person owning, or assuming to own or control, swine, any of which have died from disease or sickness, or shall dispose of the carcasses of said animals for any purpose whatever; or shall render into lard or oil the said carcasses; or if any person who shall buy or receive the carcasses of said dead animals, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars (\$25) or more than one hundred dollars (\$100), or be imprisoned in the county jail not to exceed three months."

SEC. 3. That section 61a of chapter 4, article 1, Compiled Statutes of Nebraska, be, and is hereby, amended to read as follows:

Removal of diseased carcasses. "SEC. 61a. If any person shall remove or convey along any public highway, road, alley, or street the carcass of any swine that has died from sickness or disease, shall be guilty of a

misdeemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars (\$25) or more than one hundred dollars (\$100), or be imprisoned in the county jail not exceeding three months."

SEC. 4. That section 61b of chapter 4, article 1, Compiled Statutes of Nebraska, be, and is hereby, amended to read as follows:

Possession of diseased carcasses. "SEC. 61b. If any person or company engaged in the business of manufacturing soap, or rendering lard or oil, shall receive or have in their possession the carcass of any swine which has died from sickness or disease, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25) or more than three hundred dollars (\$300), or be confined in the county jail not to exceed three months."

Law of 1899 repealed. SEC. 5. That sections 60, 61, 61a, 61b, and 61c, chapter 4, article 1, Compiled Statutes of Nebraska, 1899, as the same now exist, be, and the same are hereby, repealed.

Approved March 30, 1901.

AN ACT Concerning the care of and to prevent the spread of contagious and infectious diseases among domestic animals, and to provide for the appointment of a State veterinarian and assistant, to regulate their power and duties, to provide for the compensation, and to repeal sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 of article 11, chapter 4, Compiled Statutes of Nebraska, 1895, entitled "State veterinarian—live-stock agents."

Be it enacted by the Legislature of the State of Nebraska:

State veterinarian and deputy. SEC. 1. The governor is hereby made the State veterinarian, and he is required within thirty days from the approval of this act and every two years thereafter to appoint one deputy State veterinarian, who shall hold office for a term of two years and until his successor shall have qualified, and who may be removed by the governor at any time for cause.

Assistant veterinarians. SEC. 2. The governor shall appoint such assistant veterinarians as he shall deem necessary for the carrying out of the provisions of this act. The said deputy State veterinarian and assistant veterinarians shall each be a graduate in good standing of a college of veterinary surgery which shall be recognized as such by the American Veterinary Medical Association. They shall have all the powers of the State veterinarian while acting for him in the performance of his duties. They shall be under the direction of the State veterinarian, and shall be required to make reports to him of their official acts at such times as he may deem necessary. The deputy State veterinarian shall receive a salary of \$1,500 per annum and his actual traveling expenses, provided same shall not exceed \$500 per annum. The assistant veterinarians shall receive, to be paid out of the general fund of the State, five dollars (\$5) per day and their actual traveling expenses incurred and paid by them while actually engaged in the discharge of their official duties, provided same shall not exceed \$200 per annum.

Bond of deputy. SEC. 3. Before entering upon his duties the deputy State veterinarian shall take and subscribe an oath to faithfully discharge the duties of the office, and shall execute a bond to the State of Nebraska in the sum of five thousand dollars (\$5,000), with good and sufficient security, conditional upon the faithful performance of the duties of the office, which bond and security shall be approved by the governor. The said bond, together with the oath of office, shall be deposited in the office of the secretary of State.

Special report by deputy. SEC. 4. The deputy State veterinarian shall make a continuous scientific study, investigation, and research of all contagious diseases of domestic animals, and the causes, preventives, and cures thereof, and report the results of his study and investigation to the governor, giving in plain, ordinary language the symptoms by which any such disease may be identified, how liable to be introduced and spread, the causes and conditions to which it may be attributed, and the introduction of any such diseases and the sanitary and other measures best calculated to prevent the germination and spread of any such contagious or infectious diseases among live stock, together with the best known treatment and remedies, in time for publication in the several reports required by law, and perform such other service as may be required by law or directed by the governor.

Duties of deputy. SEC. 5. It shall be the duty of the deputy State veterinary surgeon, provided for in the first section of this act, to protect the health of the domestic animals of the State from all contagious and infectious diseases of a malignant character, and for this purpose he is hereby authorized and

empowered to establish, maintain, and enforce such quarantine, sanitary, and other regulations as he may deem necessary, subject to the approval of the governor. It shall be the duty of the deputy State veterinarian, upon receipt by him of reliable information of the existence among domestic animals of the State of any malignant diseases, to go at once to the place where such disease is alleged to exist and make a careful examination of the animals believed to be affected with any such disease, and ascertain, if possible, what, if any, disease exists among the stock reported to be affected, and establish quarantine, sanitary, and police regulations necessary to circumscribe and exterminate such disease; also to list and describe the domestic animals affected with such disease, and those that have been exposed thereto and included within the infected district or premises so defined and quarantined, with such reasonable certainty as would lead to their identification, and for that purpose he may, in his discretion, cause live stock so included within the quarantine lines established to be marked or branded in such manner as may be designated, and no domestic animals liable to become infected with the disease, or capable of communicating the same, shall be permitted to enter or leave the district, premises, or grounds so quarantined, except by the authority of the deputy State veterinarian. The deputy State veterinary surgeon shall also from time to time give and enforce such directions and prescribe such rules and regulations as to separating, modes of handling, treating, feeding, and care of such diseased and exposed animals as he shall deem necessary to prevent two classes of animals from coming in contact with each other and perfectly isolate from other domestic animals which have not been exposed thereto, and which are susceptible of becoming infected with the disease, and the said veterinarian or his agents are hereby authorized and empowered to enter upon any grounds or premises to carry out the provisions of this act.

Destroying infected animals. SEC. 6. When, in the opinion of the deputy State veterinarian, it shall be necessary, to prevent the further spread of any contagious or infectious disease among the live stock of the State, to destroy animals infected with, or which have been exposed to, any such disease, he shall determine what animals shall be killed or quarantined, and, when killed, the carcasses disposed of as, in his judgment, will best protect the health of the domestic animals of the locality.

Labor and supplies for deputy. SEC. 7. The deputy State veterinarian provided for in this act shall have power to employ at the expense of the State such persons, and purchase such supplies and material, as may be necessary to carry into effect all orders by him given as hereinbefore provided: *Provided*, That no labor shall be employed, nor labor, material, or supplies purchased, by the deputy State veterinarian, except such labor and material as may be necessary to carry into effect the experimentation, quarantine, and other regulations.

Owners to report outbreaks. SEC. 8. It shall be the duty of any owner or person in charge of any domestic animals who discovers, suspects, or has reason to believe that any of his domestic animals or domestic animals in his charge are affected with any contagious or infectious disease to report such fact, belief, or suspicion to the deputy State veterinarian; and it shall be the duty of any person who discovers the existence of any contagious or infectious disease among the domestic animals of another to report the same at once to the deputy State veterinarian.

Importing infected animals. SEC. 9. Any person who shall knowingly bring into this State any domestic animal which is affected with any contagious or infectious disease shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than one hundred dollars (\$100) nor more than two thousand dollars (\$2,000).

Owners must allow examination. SEC. 10. Any person who owns or is in possession of live stock which is suspected or reported to be affected with any infectious or contagious disease who shall refuse to allow the deputy State veterinarian or any authorized officer or officers, in any examination of, or in any attempt to examine, such stock, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).

Allowing infected animals at large. SEC. 11. Any person who shall have in his possession any domestic animal affected with any contagious or infectious disease, knowing such animal to be so affected, or after having received notice that such animal is affected, who shall permit such animal to run at large, or who shall keep such animal where other domestic animals not affected or previously exposed to such disease may be exposed to its contagion or infection, or who shall sell, ship, drive, trade, or give away such diseased animal

or animals which have been exposed to such infection or contagion, or who shall move or drive away any domestic animal in violation of any direction, rule, or order establishing and regulating quarantine, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for each of such diseased or exposed animals which he shall permit to run at large, or keep, or drive, trade, or give away in violation of the provisions of this act: *Provided*, That any owner of domestic animals which have been affected with or exposed to any contagious or infectious disease may dispose of the same after having obtained from the State veterinarian a bill of health for such animal.

Importation may be prohibited. SEC. 12. Whenever the governor of the State shall have good reason to believe that any dangerous, contagious, or infectious disease has been epizootic in certain localities in other States or Territories or countries, or that there are conditions which render domestic animals from such infected districts liable to convey such disease, he shall by proclamation prohibit the transportation of any live stock of the kind diseased into the State, except under such rules and regulations as may from time to time be prescribed by the State veterinarian, with approval of the governor.

Deputy may call on county officers. SEC. 13. The deputy State veterinarian shall have power to call upon any sheriff, deputy sheriff, or constable to execute his orders, and such officers shall obey the orders of the deputy State veterinarian, and the officers performing such duties as provided for by the act shall receive compensation therefor, [as] prescribed by law for like services, to be paid as other expenses are paid, and any officer may arrest without a warrant and take before any magistrate of the county and hold until a warrant can be issued any person found violating the provisions of this act, and such officer shall immediately notify the county attorney of such arrest, and he shall prosecute the person offending according to the law.

General penalty. SEC. 14. Except as otherwise provided in this act, any person who shall violate, disregard, or evade, or attempt to violate, disregard, or evade any of the provisions of this act, or who shall violate, disregard, or evade any of the rules, regulations, orders, or directions of the deputy State veterinarian, establishing and governing quarantine, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).

Deputy may administer oaths. SEC. 15. For the purpose of this act the deputy State veterinarian is hereby authorized to administer oaths and affirmations.

Cooperation with the Government. SEC. 16. That the deputy State veterinarian be authorized and directed to cooperate with the Secretary of Agriculture of the United States, or with any officer or authority of the General Government, in the suppression and extirpation of any and all contagious diseases among domestic animals and in the enforcement and execution of any and all acts of Congress to prevent the importation or exportation of diseased cattle and the spread of infectious or contagious diseases among domestic animals.

Office accommodation. SEC. 17. It shall be the duty of the board of public lands and buildings to provide for a suitable office for the said deputy State veterinarian and his assistants in the capitol building at Lincoln.

Repealing clause. SEC. 18. That sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27, article 11, chapter 4, Compiled Statutes of Nebraska, entitled "State veterinarian—live stock agents," be, and the same are hereby, repealed.

Approved, March 30, 1901.

AN ACT To amend section 75 and section 78 of the criminal code of the State of Nebraska, and to repeal said original sections.

Be it enacted by the Legislature of the State of Nebraska:

SECTION 1. That section seventy-five of the Criminal Code of the State of Nebraska be amended so as to read as follows:

Disposing of infected sheep. "SEC. 75. Any person, being the owner of sheep or having the same in charge, who shall turn out or suffer any sheep having any contagious disease, knowing the same to be so diseased, to run at large upon any common, highway, or enclosed ground, or who

shall sell any such sheep, knowing the same to be diseased, without fully disclosing the fact to the purchaser, shall be punished by a fine of not less than twenty dollars (\$20) and not more than one hundred dollars (\$100), or be imprisoned in the jail of the county not exceeding three months, in the discretion of the court: *Provided, however,* This section shall not be so construed as to prevent any person owning such diseased sheep from driving them along any public highway."

SEC. 2. That section seventy-eight of the Criminal Code of the State of Nebraska be amended so as to read as follows:

Wrongful taking of stock. "SEC. 78. If any person shall wrongfully take any horse, mare, gelding, foal, or filly, ass, or mule from the stable, lot, or pasture of another or from a hitching rack, or any other place as aforesaid, having been lawfully placed, without the consent of the owner, with intent to injure, set at large, or wrongfully use the animal so taken, such person shall be fined in any sum not exceeding one hundred dollars (\$100) or be imprisoned in the county jail not exceeding three months, in the discretion of the court; and shall also be liable to the party injured in double the amount of damages sustained."

Repealing clause. SEC. 3. That sections seventy-five and seventy-eight of the Criminal Code of the State of Nebraska as heretofore existing be, and the same are hereby, repealed: *Provided, however,* That such repeal shall not be construed to apply to any offenses committed prior to the taking effect of this act, nor shall the same affect any convictions or prosecutions under either of said original sections.

Emergency clause. SEC. 4. Whereas an emergency exists, this act shall be in force and take effect after its passage and approval.

Approved, March 29, 1901

NEW JERSEY.

A further supplement to the act entitled "An act concerning contagious and infectious diseases among animals and to repeal certain acts relating thereto," approved May 4, 1886.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. The fifth section of the act entitled "A further supplement to the act entitled 'An act concerning contagious and infectious diseases among animals and to repeal certain acts relating thereto,' approved May fourth, eighteen hundred and eighty-six," which further supplement was approved March twenty-eighth, eighteen hundred and ninety-five, and which said section five was amended by the one hundred and forty-eighth chapter of the laws of the year eighteen hundred and ninety-eight, be, and the same is hereby, amended to read as follows:

Increase of appropriation. "5. There may be appropriated to the State tuberculosis commission the sum of fifteen thousand dollars (\$15,000) for defraying its expenses and for the payment of the proportion of the appraised value of slaughtered animals under this act, all which payments shall be made and expenses defrayed by the treasurer of this State upon the warrant of the State comptroller: *Provided,* That no payments shall be made pursuant to this act until the amount thereof shall have been included in the annual appropriation bill."

2. This act shall take effect immediately.

Approved, March 20, 1901.

NEVADA.

AN ACT To repeal an act entitled "An act providing for the appointment of a State live stock inspector, defining his duties, and fixing his compensation," which became a law March 22, 1899.

The people of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Law of 1899 repealed. SECTION 1. The act of the legislature of the State of Nevada entitled "An act providing for the appointment of a State live stock inspector, defining his duties, and fixing his compensation," which became a law March 22, 1899, is hereby repealed.

Approved, March 12, 1901

AN ACT To amend section 1 of an act entitled "An act to prevent the dissemination of contagious diseases among sheep, to provide for the appointment of sheep inspectors in the several counties of this State, and to define their duties and compensation," approved February 23, 1893.

The people of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1 of said act is hereby amended so as to read as follows:

Sheep inspectors. "SECTION 1. It is hereby made the duty of the several boards of county commissioners in this State, at their first regular meeting in April, nineteen hundred and one, and annually thereafter, to appoint an inspector of sheep for each of the counties of this State, who shall reside in the county for which he is appointed. Each inspector so appointed, before entering upon the duties of his office, shall take his oath of office, and give an undertaking to the people of the State of Nevada, for the use of the respective counties thereof, with two or more sureties, to be approved by the board of county commissioners, conditioned for the faithful performance of his duties, and in such sum as the county commissioners of the several counties may deem sufficient for the faithful performance of the duties of his office and the enforcement of the requirements of this act."

Approved, March 14, 1901.

AN ACT Supplemental to an act entitled "An act to amend an act entitled 'An act to prevent the dissemination of contagious diseases among sheep, to provide for the appointment of sheep inspectors in the several counties of this State, and to define their duties and compensation,' approved February 23, 1893," approved March 6, 1899.

The people of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Inspection fees. SECTION 1. The inspector of sheep in any county of this State where sheep are inspected shall collect the fees for such inspection in two annual installments; the first installment to be paid prior to the thirtieth day of June, and the second installment to be paid prior to the thirty-first day of December of each year.

Compulsory dipping. SEC. 2. It is hereby made compulsory on the part of any person or persons owning or controlling sheep in this State, between the first day of July and the first day of December in each year, where scab is visible, to dip the infected sheep twice at intervals of from ten to fourteen days.

Bringing sheep into the State. SEC. 3. Any person or persons owning or controlling sheep, and driving or bringing them into this State from any State shall, without delay, on entering this State, notify the nearest sheep inspector of their presence, with sheep, within this State.

Powers of inspectors. SEC. 4. The sheep inspectors of the several counties of this State are hereby authorized, empowered, and instructed that, on the neglect or refusal of any person or persons owning or controlling sheep to comply with the provisions of this act in respect to the dipping of infected sheep, to dip, or cause to be dipped, said infected sheep, the expenses of which shall be a charge against the band of sheep so infected, and unless the claim or demand is otherwise liquidated, the sheep inspector shall sell to the highest bidder a sufficient number of sheep from out the infected band to satisfy the claim.

Approved March 21, 1901.

NEW MEXICO.

AN ACT Relating to the licensing of dogs.

Be it enacted by the Legislative Assembly of the Territory of New Mexico:

* * * * *

SECTION 3. It shall be unlawful for any person to keep any dog known to be vicious and liable to attack and injure human beings, unless such dog is securely kept so as to prevent injury to any person; and it shall be unlawful to keep any dog which may have shown any symptom of madness or rabies.

SEC. 4. It shall be the duty of all persons who may be the owner or keeper of any such dogs, the keeping of which is declared to be unlawful, to cause such dog to be killed, and any failure to comply with this provision of this section after knowledge by the owner or keeper of the fact, which rendered such keeping unlawful, shall

subject such owner or keeper to a fine of ten dollars (\$10) and costs, and each day's failure to comply with the law may be held a separate offense.

* * * * *

SEC. 7. All of said municipal corporations are authorized to provide for the enforcement of this act by ordinance.

SEC. 8. All acts or parts of acts conflicting with this act are hereby repealed, and this act shall be in force and effect from and after its passage.

Approved March 21, 1901.

NEW YORK.

AN ACT To amend the agricultural law relative to diseases of domestic animals; to repeal article 4 of the public health law and incorporate in its stead certain provisions of the agricultural law relating to the public health, and making an appropriation to carry out the provisions of this act

The people of the State of New York represented in Senate and Assembly do enact as follows:

SECTION 1. Article four of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four, and five of chapter thirty-three of the general laws," as amended by chapter four hundred ninety-one of the laws of eighteen hundred ninety-eight, and chapter one hundred eighteen of the laws of nineteen hundred, is hereby amended to read as follows:

"ARTICLE IV.—*Diseases of domestic animals.*

Suppression of infectious and contagious disease.

"SEC. 60. Whenever any infectious or contagious disease affecting domestic animals shall exist, be brought into, or break out in this State, the commissioner of agriculture shall take measures to promptly suppress the same and to prevent such disease from spreading. The local boards of health shall notify the commissioner of the existence of infectious or contagious disease affecting domestic animals in the districts subject to their jurisdiction.

Commissioner to issue notice.

"SEC. 61. He shall issue and publish a notice stating that a specified infectious or contagious disease exists in any designated county or other geographical district of the State, and warning all persons to seclude in the premises where they may be at the time all animals within such county or district that are of a kind susceptible to contract such disease, and ordering all persons to take such precaution against the spreading of the disease as the nature thereof may in his judgment render necessary or expedient, and which he may specify in such notice. Such notice shall be published in such newspapers and be posted in such manner as the commissioner may designate and as in his judgment are most likely to give notice thereof.

Farms to be quarantined; inspection of premises.

"SEC. 62. The commissioner or an assistant commissioner shall order any premises, farm, or farms where such disease exists or recently existed to be put in quarantine, so that no domestic animal be removed from or brought to the premises or places quarantined, and shall prescribe such regulations as he may judge necessary or expedient to prevent the communication of the disease by infection or contagion in any way from the places so quarantined. The commissioner may adopt and enforce rules regulating the sanitation of stables and other buildings used for the stabling of cattle for the purpose of preventing the existence and spread of infection and contagion among cattle. He may provide for the inspection and examination of all such stables and buildings.

Detention and destruction of animals.

"SEC. 63. The commissioner or an assistant commissioner may order all or any animals coming into the State to be detained at any place or places for the purpose of inspection and examination. He may prescribe regulations for the destruction of animals affected with infectious or contagious disease, and for the proper disposal of their hides and carcasses and of all objects which might carry infection and contagion. Whenever in his judgment necessary for the more speedy and economical suppression or prevention of the spread of any such disease, he may cause to be slaughtered, and to be afterward disposed of in such manner as he may deem expe-

dient, any animal or animals which, by contact or association with diseased animals or by other exposure to infection or contagion, may be considered or suspected to be liable to contract or communicate the disease sought to be suppressed or prevented. The commissioner may direct that an animal shall be condemned, quarantined, or slaughtered as tuberculous, under the provisions of this article, if it shall be found to be tuberculous by a physical examination. If the owner of animals suspected of being tuberculous desires to have such animals tested with tuberculin, and enters into a written agreement with the State in the manner prescribed by the commissioner of agriculture, before such test is made, to the effect that he will disinfect his premises, and either consent to the slaughter of the animals responding to such test, or hold them and their products in strict quarantine pursuant to the directions of the commissioner of agriculture, such test shall be made by a medical or veterinary practitioner designated by the commissioner. The commissioner may also, in his discretion, order such tuberculin test to be made, and if the animal responds to such test he may cause such animal to be slaughtered or held in strict quarantine.

Employment of veterinary surgeons.

"SEC. 64. The commissioner may employ such and so many medical and veterinary practitioners, and such other persons as he may, from time to time, deem necessary to assist him in discharging the duties imposed upon him by this article, and may fix their compensation to the amount appropriated therefor. No animal shall be destroyed by the commissioner, or by his order, on the ground that it is a diseased animal, unless first examined by a medical or veterinary practitioner in the employ of the commissioner, nor until such practitioner renders a certificate to the effect that he has made such examination, that in his judgment such animal is affected with a specified infectious or contagious disease, or that its destruction is necessary in order to suppress or aid in suppressing such disease, or to prevent such disease, or prevent the spread thereof, specifying the reasons for such necessity.

Regulations and the enforcement thereof.

"SEC. 65. The commissioner may prescribe such regulations as in his judgment may be thought suited for the suppression or prevention of the spread of any such disease, and for the disinfection of all premises, buildings, railway cars, vessels, and other objects from or by means of which infection or contagion may take place or be conveyed. He may alter or modify, from time to time, as he may deem expedient, the terms of all notices, orders, and regulations issued or made by him, and may at any time cancel or withdraw the same. He may call upon the sheriff or deputy sheriff to carry out and enforce the provisions of any notice, order, or regulation which he may make, and all such sheriffs and deputy sheriffs shall obey and observe all orders and instructions which they may receive from him in the premises. If the commissioner shall quarantine any particular district or territory for the purpose of stopping or preventing the spread of the disease known as rabies, and if any dog be found loose within the said quarantine district in violation of said quarantine or regulations, any person may kill or cause to be killed such dog, and shall not be held liable for damages for such killing.

Penalties.

"SEC. 66. Any person violating, disobeying, or disregarding the terms of any notice, order, or regulation issued or prescribed by the commissioner under this article shall forfeit to the people of the State the sum of one hundred dollars (\$100) for every such violation.

Appraiser of condemned animals.

"SEC. 67. The commissioner of agriculture may appoint and at pleasure remove not more than three State appraisers of condemned animals. The persons so appointed shall be persons of experience and well acquainted with the value of farm animals. They shall receive five dollars (\$5) per day for the time actually employed by order of the commissioner and all necessary traveling and other expenses incurred in the performance of their duties.

Appraisal of diseased animals.

"SEC. 68. One of the State appraisers of condemned animals shall be present at the examination of all diseased animals, when such examination is conducted under this act, for the purpose of determining whether such animals should be slaughtered. Such appraiser shall determine the value of each animal directed to be slaughtered. Such value shall be the market value of such animals at the time of making such examination as though the animal were not diseased, but the appraisal value of each head of cattle shall not exceed the sum of sixty dollars (\$60) if a thoroughbred and forty dollars (\$40) if a grade. If the value of the condemned animals determined by the appraiser is not satisfactory to the owner of such animals, the value shall be determined by arbitrators—one to be appointed by the State appraiser and one by the

owner of the animals. If such arbitrators are not able to agree as to the value of the animals, a third arbitrator shall be appointed by them. The value determined by such arbitrator shall be final. The costs and expenses of the proceedings before the arbitrators shall be paid by the owner of the animals. No cattle claimed to be thoroughbred shall be appraised as such unless the owner thereof shall furnish to the State appraiser a duly executed certificate of registry. Such appraiser of condemned animals and the arbitrators appointed under this section may administer oaths to and examine witnesses.

Certificate of appraisal. "SEC. 69. The appraiser shall execute and deliver to the owner of the condemned animals a certificate verified by him stating the appraised value of such animals. If such value was determined by arbitrators, there shall be attached to such certificate a statement of the value so determined, signed and verified by at least two of the arbitrators. The form and contents of such certificate shall be prescribed by the commissioner of agriculture.

Postmortem examination of slaughtered animals. "SEC. 70. All animals suspected of being tuberculous and slaughtered therefor shall be examined by a veterinary or medical practitioner, designated by the commissioner, for the purpose of determining whether or not such disease existed in such animals. There shall be attached to the certificate of appraisal a statement of the result of such examination, describing the animals found to be tuberculous and those which were found not to be tuberculous. The form of such statement shall be prescribed by the commissioner of agriculture. Such statement shall be verified by the veterinary or medical practitioner making the examination.

Compensation to owners of animals destroyed. "SEC. 70a. The actual appraised value at the time they are killed of all animals slaughtered under the provisions of this article, which shall be found upon a postmortem examination not to have had the disease for which they were slaughtered, unless the same were killed on account of the violation of quarantine regulations, shall be paid to the owners of such animals. The certificate of appraisal, the statement of the result of the postmortem examination, shall be presented by the owner or his legal representatives or assigns, to the commissioner of agriculture. The commissioner of agriculture shall issue his order for the amount due as shown by such certificate and statement, which shall be paid by the State treasurer on the warrant of the comptroller out of moneys appropriated therefor. The board of claims shall have exclusive jurisdiction to hear, audit, and determine all claims which shall arise under the provisions of this article for compensation for animals slaughtered and to allow thereon such sums as should be paid by the State. No compensation shall be made to any person who has wilfully concealed the existence of disease among his animals or upon his premises, or who in any way by act or by wilful neglect has contributed to spread the disease sought to be suppressed or prevented, nor for any animal which upon a postmortem examination is found to have the disease on account of which it was slaughtered or any dangerously contagious or infectious disease that would warrant the destruction of such animal.

Expenses. "SEC. 70b. All expenses incurred by the commissioner in carrying out the provisions of this article and in performing the duties herein devolved upon him shall be audited by the comptroller as extraordinary expenses of the department of agriculture, and paid out of any moneys in the treasury appropriated for such purposes.

Federal regulations. "SEC. 70c. The commissioner of agriculture may accept, in behalf of the State, the rules and regulations prepared and adopted by the commissioner of agriculture or the Secretary or Department of Agriculture of the United States under any act of Congress for the establishment of a Bureau of Animal Industry, or to prevent the exportation of diseased cattle, or to provide means for the extirpation and suppression of pleuro-pneumonia and other contagious diseases among domestic animals, and shall cooperate with the authorities of the United States in the enforcement of the provisions of any such act.

Rights of Federal inspectors. "SEC. 70d. The inspectors of the Bureau of Animal Industry of the United States shall have the right of inspection, quarantine, and condemnation of animals affected with any contagious, infectious, or communicable disease, or suspected to be so affected, or that may have been exposed to any such disease, and for such purposes they may enter upon any ground or premises; they may call the sheriffs, constables, and peace officers to assist them in discharge of their duties in carrying out the provisions of any such act; and all sheriffs, constables, and peace officers shall assist such inspectors when so requested, and such inspectors shall have the same powers and protection as peace

officers while engaged in the discharge of their duties. All animals entering the State which pass inspection by the Federal authorities shall be permitted to proceed to place of destination without further inspection under this act. This State shall not be liable for any damages or expenses caused or made by such inspectors."

Repealing clause. SEC. 2. Article four of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three, entitled "An act in relation to the public health, constituting chapter twenty-five of the general laws," as amended by chapter six hundred and seventy-four of the laws of eighteen hundred and ninety-four and chapter ten hundred and thirteen of the laws of eighteen hundred and ninety-five, is hereby repealed.

Appropriation. SEC. 3. The sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for the purposes of this act.

SEC. 4. This act shall take effect immediately.

Approved, April 11, 1901.

NORTH DAKOTA.

AN ACT Authorizing the county commissioners to build and equip dipping tanks at county expense.

Be it enacted by the Legislative Assembly of the State of North Dakota:

Dipping tanks. SECTION 1. The county commissioners of each county may, upon the petition of fifty electors and freeholders of such county, cause to be built and equipped at the principal shipping point for live stock in said county a public dipping tank, where all the live stock of such county may be dipped as a preventative of contagious, infectious, and epidemic diseases.

Plans and specifications. SEC. 2. The State veterinarians shall furnish each board of county commissioners with plans and specifications for the construction of such dipping tank whenever the commissioners shall have been petitioned as herein provided. It shall also be the duty of the State veterinarian to furnish rules and regulations necessary for the proper use of such dipping tanks by the owners of stock in their respective counties.

Expense. SEC. 3. The expense of building dipping tanks under the provisions of this act shall be paid out of the general fund of the county wherein such tank shall be built.

Emergency. SEC. 4. Whereas there will be a large number of cattle and sheep shipped into this State before July 1st next, it is important that they be dipped to prevent the introduction of disease, therefore this act shall take effect from and after its passage and approval.

Approved, March 13, 1901.

AN ACT To amend and reenact sections 1636 and 1636a of the revised codes of the revision of 1899.

Be it enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. That sections 1636 and 1636a of the revised codes of the revision of 1899 be, and the same are hereby, amended and reenacted to read as follows:

Powers of inspectors. "SEC. 1636. That five days' notice shall be given to the sheep inspectors by persons intending to bring sheep into any county in this State from another State for the purpose of grazing said sheep upon lands in this State, which notice shall state the place where such sheep are located and the nearest place to the line where the said sheep may be inspected. In all cases where scab or other contagious diseases are found in a flock of sheep the sheep inspector is hereby empowered to prescribe what dip or remedy shall be applied and specify the manner of treatment.

Duties of inspectors. "SEC. 1636a. It is hereby made the duty of sheep inspectors of this State to cause to be dipped all sheep that come into the State for the purpose of running upon or grazing on the lands of this State, which dipping shall be done under such rules and regulations as the sheep inspector may prescribe. And after said dipping the said inspector shall cause the sheep so dipped to be quarantined for not less than twenty days, or until the said sheep inspector shall be satisfied that the said sheep are entirely free from disease; pro-

vided, that this section shall not apply to sheep while on railway cars or in railway stock yards, accompanied by proper certificates of health, and which sheep are not detained in the State more than sixty hours."

Sec. 2. All acts and parts of acts in conflict with the provisions of this act are hereby specifically repealed.

Emergency. Sec. 3. Whereas the present laws of this State are vague and indefinite as to the duties of the sheep inspector in the cases herein provided, and said laws are capable of working great damage to the residents of this State, therefore an emergency exists, and this act shall take effect and be in force immediately upon its passage and approval.

Approved March 12, 1901.

OKLAHOMA

AN ACT To provide for the protection of domestic animals, for the creation of a live-stock sanitary commission, rules and regulations, to provide penalties for violation of the same, and to repeal chapter 50 of the session laws of the Territory of Oklahoma for the year 1895.

Be it enacted by the Legislative Assembly of the Territory of Oklahoma:

Live-stock sanitary commission. SECTION 1. [As amended March 7, 1901.] That immediately upon the taking effect of this act the governor of the Territory of Oklahoma, by and with the advice and consent of the council, shall appoint three competent persons, residents of the Territory of Oklahoma, who shall hold their office for two years and until their successors are appointed, to constitute the live-stock sanitary commission of the Territory of Oklahoma. Whenever a vacancy in the membership of such commission shall occur, by reason of death, resignation, expiration of term, or removal from office, or otherwise, the governor shall appoint a successor, who shall be qualified under the provisions of this act.

Qualifications of members. SEC. 2. [Law of 1901.] Not more than two of the members of said commission shall be of the same political party, and at least two of said commission shall be cattlemen or persons of experience in cattle business.

Salaries. SEC. 3. [Law of 1901.] The members of said live-stock sanitary commission shall receive for their services while attending meetings of the commission the sum of three dollars (\$3) per day and three (3) cents per mile for distance necessarily and actually traveled in attending such meetings. One member of said commission shall be appointed secretary of said commission, who shall be the executive officer of the board and shall receive a salary of one hundred dollars (\$100) a month, but the secretary shall receive no per diem; the said secretary shall also receive the actual and necessary expenses of his office, not exceeding for any one year the sum of two hundred dollars (\$200), said salary and expenses and per diem to be paid out of any money in the Territorial treasury not otherwise appropriated.

One inspector must be a veterinarian. SEC. 4. [Law of 1901.] One of the inspectors appointed by the live-stock sanitary commission under the provisions of the act of which this act is amendatory shall be a qualified veterinarian and a graduate of some recognized veterinary college.

Meetings of commission. SEC. 2. [As amended March 7, 1901.] A majority of the members of said commission shall constitute a quorum for the transaction of business. Said commission shall meet at any place in the Territory when necessary and may meet at various times, not to exceed thirty days in any one year, and said commission shall be paid out of the Territorial treasury, upon warrants drawn by the Territorial auditor, on the vouchers of said board.

Duties of commission. SEC. 3. [As amended March 7, 1901.] It shall be the duty of the commission provided for in the first section of this act to protect, as far as practicable, the live stock of this Territory from all contagious or infectious diseases of a malignant character, whether said diseases exist in this Territory or elsewhere, and for this purpose they are hereby authorized and empowered to establish, maintain, and enforce such quarantine lines and lines established by law, and to make all reasonable and necessary sanitary rules and regulations, and to provide rules and regulations for the enforcement and execution of the same, and

to prevent the importation and exportation of diseased live stock and the spread of infectious and contagious diseases among domestic animals. It shall also be the duty of said commission to cooperate with the live-stock sanitary commissioners, boards, and officers of other States and Territories and with the United States Secretary of Agriculture in establishing such quarantine lines, rules, and regulations as shall in their judgment best protect the live-stock industry of this Territory against contagious or infectious diseases of a malignant character, said rules to be uniform with those of the Secretary of Agriculture of the United States in regard to the prohibited period when it shall be unlawful to cross the quarantine lines established by the Secretary of Agriculture and by this act; and they are hereby empowered and authorized to make a thorough investigation as to the best manner of disinfecting animals, pens, shipping pens, and railway cars that are liable to communicate or convey contagious or infectious diseases of a malignant character to live stock, and to adopt such rules and regulations to enforce their disinfection as they may deem necessary.

That the quarantine line of the Territory of Oklahoma is established as follows, to wit: Commencing at a point where the Arkansas River crosses the Kansas State line; thence south along the Arkansas River to the northeast corner of the Ponca Indian Reservation; thence west along the north boundary line of the Ponca Indian Reservation to the main line of the railroad track of the Atchison, Topeka and Santa Fe Railroad Company; thence south on said main track to the Salt Fork of the Arkansas River; thence down said river to a point where the same empties into the Arkansas River; thence down the west bank of the Arkansas River to the line between the Ponca Indian Reservation and the Otoe and Missouri Indian Reservation; thence west on said line between the Ponca Indian Reservation and the Otoe and Missouri Indian Reservation to the main track of the Atchison, Topeka and Santa Fe Railway Company; thence down said main track to the south line of the said Otoe and Missouri Indian Reservation; thence east on a line between Noble County and said reservation to the southeast corner of said reservation; thence north on a line between said reservation and Pawnee County to the Arkansas River; thence down said river to the north boundary line of the Creek Nation; thence west along the line between the Creek Nation and the Territory of Oklahoma to the northwest corner of the Creek Nation; thence south on a line between the Creek Nation and the Territory of Oklahoma to the southeast corner of Lincoln County; thence west on a line between Lincoln County and Pottawatomie County to the northwest corner of Pottawatomie County; thence south on a line between Pottawatomie County and Oklahoma and Cleveland counties to the township line between townships seven and eight north; thence west on said line to the South Canadian River; thence westerly up said river, along the meanders of said river, to the northeast corner of the Wichita Indian Reservation; thence up said river to the northwest corner of the Wichita Reservation; thence south along a line between the Wichita Reservation and Custer County and Washita County to the southeast corner of Washita County; thence west along the line between Washita County and the Kiowa and Comanche Reservation to the North Fork of the Red River; thence down and along said North Fork of the Red River to a point of confluence with the Red River; thence up said Red River to a point where said Red River is intersected by the United States quarantine line: *Provided, however*, That the said commission may, in its discretion, establish subquarantine lines as in their judgment will best protect the people in the Kiowa and Comanche, Apache, and Wichita Indian reservations, and may, in its discretion, establish a temporary line as far south as the Red River; but it shall not be empowered to change or affect the permanent line established herein to in any manner affect the people living north of said permanent line along said reservations: *Provided*, Such cattle, if found to be healthy and free from infection upon inspection, shall be permitted to cross the Territorial quarantine line and be brought into this Territory between December first and February first of each year and at such other time as the live-stock sanitary commission of Oklahoma may order under its rules: *Provided further*, This section shall not authorize the transportation of such cattle across the Federal quarantine line.

The inspector of the district shall be removed from office if he delays any such inspection longer than is necessary: *Provided*, That if any sheriff or inspector shall be guilty of malfeasance in office, claiming authority under the quarantine laws of this Territory, he shall be civilly liable for all damage done by reason of such malfeasance.

Governor to proclaim line. SEC. 4. When said commission shall have determined quarantine lines and made rules and regulations to maintain and enforce the same to prevent the communicating or conveying of contagious or infectious diseases of a malignant character to live stock within this Territory as heretofore provided, the governor of the Territory of Oklahoma, when-

ever advised and directed by said commission, shall issue his proclamation setting forth and proclaiming the boundary and location of said quarantine line or lines, the orders, rules, and regulations so prescribed by said commission, and the issuance of said proclamation shall be due and public notice of its provisions, and no further notice or publication of the same shall be necessary.

Districts. SEC. 5. The said live-stock sanitary commission shall divide the Territory of Oklahoma into three separate districts and define the boundaries thereof, and shall assign the inspectors appointed under this act, one to each respective district. Said inspectors shall have power to act throughout the Territory, and it shall be their duty to communicate any information or aid in any manner the inspectors of the other districts in the performance of their duties. Each inspector shall have a fixed or permanent address within his district, which said address, together with the boundaries of his district and the full name of the inspectors, shall be published in the proclamation of the governor, as hereinbefore provided.

Inspectors. SEC. 6. There shall be appointed by said commission three live-stock inspectors, one of same from each one of the three political parties of this Territory, one to be a Democrat, one a member of the People's Party, or Populist, and one a Republican, and should the place of any inspector be made vacant by death, resignation, or otherwise, his successor shall be appointed from the same political party of which he was a member. They shall be qualified and learned in the diseases of domestic animals, and shall first pass satisfactory examination before said commission. Said inspectors shall act under the orders and instructions of said commission, and shall [have] full power to execute the orders thereof and to do all things necessary to the enforcement and execution of the rules and regulations thereof, and the rules of the Secretary of Agriculture of the United States. They shall hold their office for the period of two years from the date of appointment, and subscribe to the oath of office, and give bond to the Territory of Oklahoma in the sum of one thousand dollars (\$1,000) each for the faithful performance of all duties enjoined upon them by law or the live-stock sanitary commission. Said inspectors shall render all reports and accounts to said commission, and shall receive three dollars (\$3) per day for the time employed in the discharge of their duties, and five hundred dollars (\$500) a year, and no more, or so much thereof as is necessary for actual expenses incurred in the discharge of their duties, which said salary and expenses shall be paid out of the treasury of the Territory of Oklahoma on auditor's warrants issued upon the vouchers of said commission.

Powers of inspectors. SEC. 7. The inspectors appointed and acting under the provisions of this act shall have power to enter upon any premises, or into any barn, lot, corral, shed, or pasture for the purpose of inspecting or disinfection. If upon examination he is satisfied that said premises, barn, lot, corral, shed, or pasture is infected with any contagious or infectious disease of a malignant character, or needs disinfecting, he shall possess himself thereof and may exclude any and all persons from interference with his possession thereof, and establish such rules and regulations as he may deem necessary until he shall be satisfied that the same is free from such infection. Any person or persons who shall interfere with said inspector's possession of said premises, barn, lot, corral, shed, or pasture, or violate any of the rules and regulations made by him for the protection or disinfection of same, while the same is under his control or possession, shall be guilty of a misdemeanor, as provided in section 13 of this act.

Duties of inspectors. SEC. 8. It shall be the duty of the inspectors under this act to enforce all the provisions of this act, and the rules and regulations of the live-stock sanitary commission, and the rules and regulations of the Department of Agriculture of the United States thereunder. Whenever notified by the sheriff or any person that any live stock, pastures, barns, lots, corrals, sheds, or range are affected or infected with any contagious or infectious diseases of a malignant character, he shall at once proceed to the inspection of said live stock, pastures, barns, lots, corrals, sheds, or range, and if he shall consider the same affected or infected shall immediately establish rules and regulations governing the movement of said live stock or possession and use of said pastures, barns, lots, corrals, sheds, or range, or of the disinfection thereof, and if necessary shall place the same in possession of and under control of the sheriff, if he be not already in control.

Stock crossing line illegally. SEC. 9. If any live stock shall be led, drifted, driven, or transported across any quarantine line established by the Department of Agriculture of the United States, the live-stock sanitary commission of the Territory of Oklahoma, the quarantine line in the Territory of Oklahoma as herein established, or of the live-stock inspectors, into or upon

any part of the Territory of Oklahoma protected by said quarantine lines, during the prohibited period as prescribed by the live-stock sanitary commission or its inspectors, or the laws of Congress, and the Territory of Oklahoma and the proclamation issued under authority thereof, the inspectors shall have the power to seize said live stock, and may call to their aid the sheriff of the county where said live stock is found, and shall either place same under quarantine regulations or return said live stock back across said line into the territory from whence they came, and the costs and charges of the sheriff, which shall be the same as in the case of personal property taken under execution, shall be a lien upon said live stock, and he may sell all or a part thereof to pay the same, as provided in section 10 of this act, and the person or persons who shall be in charge of said live stock, or shall have the same in their possession, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as provided in section 13 of this act.

Powers of sheriff. SEC. 10. It shall be the duty of any sheriff of any county within this Territory, upon a complaint made to him, or otherwise having notice or knowledge that there is within the county where the officer resides live stock believed to be affected or infected with a contagious or infectious disease of a malignant character and liable to communicate or convey the same to any live stock, or that any live stock has been driven, led, moved, shipped, or drifted, or in any manner transported into or through any portion of this Territory in violation of any rules, regulations, or orders of the live-stock sanitary commission, he shall immediately take charge of and restrain said live stock under such temporary regulations as will prevent the communicating or conveying of said disease, and he shall immediately notify the live-stock inspector of his district; and said sheriff shall keep said stock in his custody until the arrival of the live-stock inspector, who shall immediately take such steps as he may deem necessary for the protection of the live-stock interests of that locality. All live stock so seized by any sheriff shall be kept and held in his custody, subject to such quarantine regulations as he shall receive from said live-stock inspector, unless he shall receive further orders from the said live-stock inspector to deliver said live stock to the owner or owners. No officer who shall take or detain any live stock under the provisions of this act shall be liable to the owner or owners of such live stock for any damage by reason of such taking or detention, or by reason of the performance of any other duty enjoined in this act. Before any live stock shall be delivered as aforesaid, there shall be paid to the officer having said live stock in custody all costs and expenses of taking, detaining, or holding, or disinfecting, and in case such costs and expenses are not paid, said officer shall advertise in the same manner as provided by law in cases of the taking, caring for, and sale of personal property upon execution, and he may sell such live stock or such portion thereof as may be necessary to pay his costs and expenses of sale, and he shall forthwith pay over to the owner or owners any amount so received in excess of the legal fees and expenses of such officer.

Moving diseased stock. SEC. 11. Any person, persons, or corporation who shall drive, lead, move, drift, ship, transport, or cause to be driven, led, moved, drifted, shipped, or transported into or through any county or part thereof in this Territory within the area protected by and included within quarantine or boundary lines described by the live-stock sanitary commission, or one of the inspectors appointed thereby, any live stock affected or infected with a contagious or infectious disease of a malignant character, and liable to communicate or convey such disease to live stock within said area, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000), and may be imprisoned in the county jail not less than thirty days nor more than one year, or may be punished by both such fine and imprisonment, and in addition thereto shall be liable to any person or persons injured thereby for all damages they may sustain by reason of the communicating or conveying of such disease, to be recovered in a civil action in any court of competent jurisdiction, and the party so injured shall have a first and prior lien to all other liens for such damages upon the live stock communicating or conveying such disease: *Provided, however,* That nothing in this act shall be construed to effect [affect] the laws of Congress governing interstate commerce.

Disinfecting railroad cars. SEC. 12. It shall be the duty of the railway corporations doing business in this Territory, and they are hereby required, to disinfect the shipping pens and cars used by them in transporting live stock in or through this Territory, in such manner and at such times and places as the said commission may order and designate; and any such corporation violating any of the provisions of this section shall be liable to a penalty of not less than one hundred dollars (\$100) and not more than five thousand dollars (\$5,000) for each violation of any of said regulations or rules of said commission, to be recov-

ered in a civil action to be prosecuted by the attorney-general, or under his direction, in the name of the Territory of Oklahoma, in the district court of Logan County, Territory of Oklahoma, or any county where such violation may have occurred.

Penalty for violation of quarantine laws.

SEC. 13. Any person or corporation who shall, in violation of any of the rules, regulations, orders, or directions of the live-stock sanitary commission, or any of its live-stock inspectors, fixing, establishing, or maintaining quarantine lines or local quarantine rules and regulations within this Territory against contagious or infectious diseases of a malignant character, drive, lead, move, drift, ship, or in any manner transport any live stock across said lines or any of them, or violate any local quarantine rules and regulations, or in any manner interfere, interrupt, or obstruct the live-stock sanitary commission or any of its live-stock inspectors in the discharge of their duty, shall be guilty of a misdemeanor, and shall for each offense, upon conviction, be fined in the sum of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or be imprisoned in the county jail for not less than thirty days nor more than one year, or may be punished by both such fine and imprisonment, and shall be liable in a civil action for all damages caused by violation of this act.

Condemnation of stock and payment for same.

SEC. 14. Whenever any live stock within this Territory shall be found by the live-stock inspectors to be affected with rinderpest, foot-and-mouth disease, glanders, maladie du coït, or contagious pleuropneumonia, he shall summon three disinterested householders and cause said stock so affected to be appraised, which appraisement shall be upon the value of the stock at that time. He shall then kill said stock and dispose of the carcasses thereof in such manner as will, in his judgment, best protect the health of the domestic animals of that locality. The inspector shall forward his report of animals killed, disease with which affected, name of owner, and the appraisers' certificate to the secretary of the live-stock sanitary commission. The said commission shall audit the account, if correct, and forward the voucher to the auditor of the Territory, who shall draw his warrant upon the Territorial treasurer for the amount, and who shall pay the same out of the general funds of said Territory: *Provided, however,* That if said stock contracted the disease from without the Territory, or if the owner thereof has violated any quarantine regulations of the Territory or of the United States Government, or if he became the owner thereof with the knowledge that said stock was affected with said disease, the Territory shall not be liable for the value thereof.

Criminal prosecutions.

SEC. 15. It shall be the duty of the county attorney of the proper county to prosecute, on behalf of the Territory, all criminal cases arising under this act. For each conviction of an offense under this act said county attorney shall receive, in addition to his salary already provided, the sum of twenty-five dollars (\$25), to be taxed as costs in the case.

Butchers to notify inspectors.

SEC. 16. It shall be the duty of the inspectors provided for by this act to provide themselves with record books, in which they shall record age, brand, and color of all cattle slaughtered within their respective districts for the purpose of sale to the public, either wholesale or retail, and to appoint in each county of his district one or more deputies for the purpose of inspecting animals for slaughter, as provided for by this act, whenever he shall be requested to so appoint by a petition in writing signed by fifty qualified voters of said county. It shall be the duty of all persons slaughtering cattle for public sale and use to notify the inspector of the district or his local deputy appointed by him for that purpose of their intention so to do. The inspector or his deputy shall at once proceed to inspect said cattle; and if he shall find that they are affected or infected with any disease which will render them unfit for human food, he shall inform the person not to slaughter the same; but should such cattle be found to be free from all disease, then he shall record the color, age, and brands of same, and said cattle shall be considered fit for slaughter and sale. Any person offering the meat of cattle for sale without having them inspected as aforesaid shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined ten dollars (\$10) for every animal so unlawfully slaughtered. The inspectors or their deputies shall be entitled to a fee of twenty-five (25) cents for each head of cattle inspected, to be paid by the person having the same done.

Inspectors' weekly reports.

SEC. 17. It is hereby made the duty of all inspectors in this Territory at the end of each week to transmit to the secretary of the live-stock sanitary commission a report showing in detail the number of animals inspected by him or his deputies during the week; the number rejected as being unfit for human food, with recommendations as to the disposi-

tion to be made of the same; the number of animals recommended as fit for slaughter, with a complete description of the marks and brands on each animal inspected, giving location of the same, and to give the person slaughtering the animal a duly certified health certificate with the description of the animal or animals found to be fit for human food, the certificate to contain all marks and brands upon said animal or animals.

Sheriffs to report violations. SEC. 18. It is hereby made the duty of all sheriffs in this Territory to at once make known to the county attorneys and to the grand juries of their respective counties any and all violations of any of the provisions of this act which may come to their knowledge and to said live-stock inspectors and other proper authorities of this Territory in the enforcement of the rules and regulations and orders of said commission and inspectors, and of any and all the provisions of this act; and all district judges are hereby required to give this act in charge to the grand juries of their respective counties at each term of the courts thereof.

Venue. SEC. 19. Any person who violates any of the provisions of this act as herebefore mentioned may be prosecuted in the county of his residence, or in any county in this Territory in which he may be found, or in any county in which any live stock owned or controlled by him may be found in violation of any of the provisions of this act, or in any county in which any violation of any provision of this act may be committed by him.

General penalty. SEC. 20. Except as otherwise provided for in this act, any person who shall violate, disregard, or evade, or attempt to violate, disregard, or evade, any of the provisions of this act, or who shall violate, disregard, or evade, or attempt to violate, disregard, or evade, any of the rules, regulations, directions, or orders of the live-stock sanitary commission or any of its live-stock inspectors shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of not less than one hundred (\$100) nor more than five thousand dollars (\$5,000), or be imprisoned in the county jail for not less than thirty days nor more than one year, or may be punished by both such fine and imprisonment.

Repeal of chapter 50. SEC. 21. That all of chapter 50 of the session laws of the Territory of Oklahoma for the year 1895 is hereby repealed.

SEC. 22. This act shall be in force and effect from and after its passage and approval.

Approved, March 9, 1897.

[Sections 1, 2, and 3, as amended and added to, approved March 7, 1901.]

OREGON.

AN ACT To create the office of State bacteriologist, without salary.

Be it enacted by the Legislative Assembly of the State of Oregon:

State bacteriologist. That the office of State bacteriologist, without salary, is hereby created, and that the governor of the State is hereby authorized to appoint a person properly qualified by scientific attainments to serve in that capacity. The duties of such officer shall be the scientific investigation of animal and plant diseases and recommendations of remedies for their elimination. He shall from time to time make a brief report of the progress of his work to the governor of the State.

Approved, February 27, 1901.

PENNSYLVANIA.

AN ACT To provide for the investigation of the diseases of domestic animals, and making an appropriation therefor.

Be it enacted, etc..

Appropriation. SECTION 1. That the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, be, and the same is hereby, specifically appropriated out of any money in the treasury not otherwise appropriated, for the purpose of conducting investigations concerning the causes, nature, treatment, and prevention of the diseases of the domestic animals of the Commonwealth of Pennsyl-

vania, with the object of discovering new facts which may be applied advantageously and profitably by the owners of live stock and those engaged in the care and rearing of animals.

Method of investigation. SEC. 2. That such investigations shall be made by and under the direction of the State live-stock sanitary board, and the said board is hereby authorized to provide for and conduct such work of investigation as may be necessary to discover the most efficient, economical, and practical means of avoiding and suppressing the diseases of the domestic animals of the Commonwealth; and such work, and the practical deductions therefrom, shall, upon the order of the secretary of agriculture, be published as a part of the annual report of the department of agriculture, or as bulletins of said department: *Provided, however,* That before any expenses shall be incurred under the provisions of this act, it shall first be approved by the governor and the secretary of agriculture. The said appropriation is to be paid upon the warrant of the auditor-general, on the presentation of specifically itemized vouchers and the written approval of the governor and secretary of agriculture as herein provided.

Approved, July 18, 1901.

To provide for the prevention of the spread of disease from the carcasses of animals that die of dangerous or virulent diseases, or are killed while afflicted with such diseases; to provide for the safe disposal or destruction of such carcasses; to authorize the State live-stock sanitary board to make regulations for the enforcement of this act; to provide penalties for the violations of the act and of the regulations that may be made under it by the State live-stock sanitary board.

Be it enacted, etc.:

Diseased carcasses must be destroyed. SECTION 1. That when any domestic animal may die, or be killed while afflicted with an infectious, contagious, germ, or parasitic disease, adjudged by the State live-stock sanitary board to be of a dangerous or virulent character, and in particular when any domestic animal may die or be killed while it is afflicted with any one of the diseases known as anthrax, black quarter, hog cholera, swine plague, rabies, or glanders, the owner or owners of such animals shall at once destroy or dispose of the carcass of such animal by one of the methods herein provided.

Methods of destruction. SEC. 2. The methods of destruction or disposal shall be of a kind that will completely destroy or securely sequester the poison, germ, parasite, or infective agent of the disease with which the animal was afflicted at the time of death. The following methods of destruction or disposal shall be allowed: (1) Complete burning or cremation of the carcass and of all its parts and products. (2) Boiling the carcass and all of its parts and products in water, or heating the same with steam, at the temperature of boiling water, for at least two hours. (3) Burying the carcass and all of its parts and products in a place that is not subject to overflow from ponds or streams, that is distant not less than one hundred feet from any water course, well, spring, public highway, or building used as a house or stable, and in the following manner, to wit: The grave shall be of such a depth that when the carcass and parts and products thereof are placed in it, and the grave is filled with earth and the top is smoothed to the level of the surrounding surface, the uppermost part of the carcass and all of its parts and products shall be completely covered; and, further, the grave shall be so protected that the carcass can not be dug out or exposed by dogs or animals. Before the carcass and its parts and products are covered with earth they shall be covered with lime to a depth of not less than three inches. Any other method of destroying or disposing of carcasses, and of the parts and products of carcasses, may be practiced that is specifically approved by the State live-stock sanitary board.

Penalty for noncompliance. SEC. 3. If any person owning an animal that dies while it is afflicted with anthrax, black quarter, hog cholera, swine plague, rabies, or glanders, or any other infectious, contagious, germ, or parasitic disease that is adjudged by the State live-stock sanitary board to be of a dangerous or virulent character, shall, after notification by anyone, neglect within twenty-four hours to destroy or dispose of the carcass and its parts and products in accordance with the provisions of section two of this act, the said person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100), at the discretion of the court.

Failure to destroy diseased carcass. SEC. 4. When the carcass and products of any animal that died while afflicted with any of the diseases specified in section one of this act or of any infectious, contagious, germ, or parasitic disease adjudged by the State live-stock sanitary board to be of a dangerous or virulent character, is not disposed of or destroyed in one of the ways set forth in section two of the act, and this fact shall be brought to the attention of an agent of the State live-stock sanitary board, the board of health of the township, borough, or city in which the death occurs or in which the carcass of the animal may be; or when this fact shall be brought to the attention of any member of such board of health, or in the event that there is no board of health having jurisdiction, when any township's auditor, of a township in which such a carcass may be, is notified of the fact, it shall be the duty of the said agent of the State live-stock sanitary board or member of a board of health, or said health board, or said township auditor, to at once cause the carcass and its parts and products to be disposed of or destroyed in accordance with the methods prescribed in section two of this act.

The disposal or destruction of the carcass shall be carried out in a way that is as economical as is compatible with efficiency and safety, and a fully itemized bill of expense incurred shall be drawn up by the agent of the State live-stock sanitary board, the board of health, or the board of township auditors and forwarded as a voucher to the State live-stock sanitary board. If the voucher is approved by the said board, it shall be paid in the same manner as other expenses of said board are paid: *Provided, however,* That no charge shall be paid of more than ten dollars (\$10) for the destruction of a single carcass of a horse, mule, cow, bull, or ox; nor more than three dollars (\$3) for the destruction of a single carcass of a colt, calf, sheep, hog, or dog.

Owners must pay for destruction. SEC. 5. The cost of the destruction of the carcass or carcasses as hereinbefore provided shall constitute a lien on the property of the owner or owners of the animals at the time of their death, and it shall be the duty of the State live-stock sanitary board to attempt to recover, and if possible to recover, by due process of law, from said owner or owners, the amounts expended by it for disposing of or destroying the carcasses of their animals in the enforcement of this act.

Approved May 2, 1901.

SOUTH CAROLINA.

AN ACT To authorize and empower the board of trustees of Clemson College to promulgate and enforce rules and regulations for the guidance of the veterinarian of said college in the treatment or destruction of animals affected with contagious diseases.

Be it enacted by the General Assembly of the State of South Carolina:

Board of trustees may make rules. SECTION 1. That the board of trustees of Clemson College shall have the right to promulgate and enforce rules and regulations for the guidance of the veterinarian of said college, or his assistant, if one shall be appointed, in the treatment of horses, mules, cattle, hogs, or other live stock affected with any dangerous or contagious disease.

To prevent disease entering the State. SEC. 2. That the said board shall have the power to adopt rules and regulations, consistent with the laws of this State and of the United States, to prevent the introduction into this State of any live stock that is affected with any contagious disease the tendency of which is to cause the death of said live stock.

Unlawful to sell diseased animals. SEC. 3. It shall be unlawful to sell or offer for sale in this State any horse, mule, cattle, hog, or any other live stock that is known to be affected with any contagious disease the tendency of which is to cause the death of any such live stock; and any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding one hundred dollars (\$100), or be imprisoned in the county jail not exceeding thirty days.

Powers of veterinarian. SEC. 4. That the said veterinarian shall have the right to visit any section of this State where contagious diseases among animals is believed to exist, and shall determine, under the rules and regulations of the said board, whether such affected animals are worthy of remedial treatment or should be destroyed. It shall not be lawful for any person or persons to hinder or obstruct said veterinarian or his assistant in the enjoyment of the

rights given by this section or in the discharge of the duties prescribed by this [the] next succeeding section; and any person or persons violating the provisions of this or the next succeeding section shall be guilty of a misdemeanor, and upon conviction shall be punished as prescribed in section three of this act.

SEC. 5. When two or more reputable citizens of any county in this State shall notify said veterinarian that any animals in their county are affected with a contagious disease the tendency of which is to cause the death of such animals, he shall investigate the same, or cause an investigation thereof to be made; and for such purpose he or his assistant shall have the right to go upon any premises on which such affected animals are or where they are supposed to be. Said veterinarian shall have the right to treat such affected animals at the expense of the owner or owners of the same, or shall have the right to cause the same [to be] destroyed, under such rules and regulations as may be prescribed by the said board. No compensation shall be paid to the owner or owners of any animals destroyed under the provisions of this section. The necessary expenses incurred by the veterinarian or his assistant in the discharge of the duties prescribed in this act shall be paid from the funds of Clemson College.

SEC. 6. This act shall take effect from its passage; and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved February 19, 1901.

SOUTH DAKOTA.

AN ACT Providing penalties for the unlawful transportation of diseased swine.

Be it enacted by the Legislature of the State of South Dakota:

Duty of officers.

SECTION 1. It shall be the duty of every sheriff, deputy sheriff, constable, or other peace officer, whenever he learns or is informed that any person is unlawfully engaged in the transportation of diseased swine, or swine that have died from any disease, to forthwith examine into the matter, and upon being satisfied of the truth thereof to immediately seize the outfit so engaged and arrest the person or persons in charge thereof and bring them before some magistrate for further proceedings in conformity with the provisions of chapter 131 of the session laws of 1899.

Disposition of diseased swine.

SEC. 2. In all cases where a conviction is had upon such arrest and the court finds that the swine so seized are affected with or have died from any swine disease, the court shall order the officer making such seizure to forthwith burn or bury such swine, as provided by law, and also to burn the wagon or other vehicle in which said swine were found: *Provided*, That if such wagon or other vehicle can be thoroughly disinfected at a less cost than the value of such wagon or other vehicle, then the court shall order the officer to thoroughly disinfect such wagon or other vehicle and the reasonable cost and expense of such disinfection shall be a lien upon such wagon or other vehicle and the officer may retain possession of the same until such cost and expense is paid: *Provided further*, That if the same be not paid within ten days then such officer shall sell such wagon or other vehicle to satisfy such cost and expense as for a pledge.

Officer's fees.

SEC. 3. The officer making such seizure and performing such services, shall, in addition to the fees now allowed by law, be entitled to and receive one-half of the fine imposed, and in case such fine is not collected shall receive in lieu thereof and in addition to his other fees the sum of ten dollars (\$10).

SEC. 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 4, 1901.

AN ACT To amend section 2333 of the compiled laws.

Be it enacted by the Legislature of the State of South Dakota:

SECTION 1. That section 2333 of the compiled laws be and the same is hereby amended to read as follows:

"SEC. 2333. The veterinary surgeon shall receive for his services the sum of twelve hundred dollars (\$1,200) per annum, together with his necessary traveling expenses actually paid out when in performance of his duty. These payments shall be made

from any funds in the State treasury not otherwise appropriated, upon itemized vouchers signed and sworn to by him and submitted to the State auditor, who shall draw warrants upon the State treasurer for the amounts found correct, separate vouchers being made for salary and expenses. No person shall be competent under this act to receive the appointment of veterinary surgeon who is not at the date of his appointment a graduate in good standing of a recognized college of veterinary surgeons and of not less than five years' actual practice. He shall hold his office for two years. He may be removed for cause by the governor, who shall also have power to fill the vacancy as hereinbefore provided. The appraisers herein provided for shall each receive three dollars (\$3) for each day or part of a day they may be actually employed as such, which shall be paid from the State treasury out of the stock-indemnity fund hereinafter provided, upon vouchers which bear the certificate of the justice who summoned them. The justice of the peace shall receive for his services the fees provided by law for similar services, to be paid out of the county general fund. The veterinarians, physicians, or freeholders called in consultation by the veterinary surgeon shall each receive three dollars (\$3) for each day or part of a day they may be actually so employed and five (5) cents per mile mileage for distance necessarily traveled, which sums shall be paid from the State treasury out of the stock-indemnity fund hereinafter provided for, upon vouchers certified to by the veterinary surgeon, and other incidental expenses connected with his work and made his duty by this act, such as causing animals to be slaughtered and their carcasses to be burned or buried, and disinfecting infected premises, shall be paid from the State treasury out of the stock-indemnity fund hereinafter provided for, upon vouchers certified to by him under oath. Before entering upon the discharge of his duties he shall give a bond to the State of South Dakota, with good and sufficient surety, in the sum of ten thousand dollars (\$10,000), conditioned for the proper discharge of the same. No constructive mileage shall be paid under this act, nor shall the veterinary surgeon receive any mileage."

Sec. 2. All acts and parts of acts in conflict with this act are hereby repealed.

Sec. 3. An emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Approved, February 28,, 1901.

TENNESSEE.

AN ACT To create the office of State live-stock inspector, to provide for the appointment of the inspector, fix his salary, define his duties, and provide for the appointment of his deputies.

Be it enacted by the General Assembly of the State of Tennessee:

Appointment of inspector. SECTION 1. That the commissioner of agriculture or secretary of the board or department of agriculture shall appoint, at a salary of \$1,500 per annum and his traveling expenses while in discharge of his duties, some competent person, to be known as State live-stock inspector, whose term of office shall be two years from the date of his appointment, or until his successor is elected and qualified: *Provided*, That said commissioner, or the secretary in conjunction with the members of the said board or department of agriculture, shall have power to remove from office said inspector.

Duties of inspector. SEC. 2. *Be it further enacted*, That said live-stock inspector shall devote his time exclusively to the protection of the live-stock interests of the State, and shall be charged especially with the formulation and enforcement of all rules and regulations for quarantining against or otherwise preventing and for eradicating communicable diseases among domestic animals in the State, as provided for in all the public acts upon this subject.

Deputy inspectors. SEC. 3. *Be it further enacted*, That said live-stock inspector shall be empowered to appoint, for definite periods of time by him designated, and at salaries fixed by him, not to exceed \$75 per month each and their actual expenses, itemized and sworn to, three deputy inspectors, one for each grand division of the State: *Provided*, That the salaries of himself and his deputy inspectors and all expenditures made by him shall not exceed the amount specifically appropriated for this purpose: *And provided further*, That neither said State live-stock inspector nor any of his deputies shall have any power to expend any other funds of the State, nor to charge the State with any further liability: *Provided further*, That the appoint-

ment of the deputy inspectors shall be approved by the bureau or board of agriculture before they enter upon the discharge of their duties.

Inspector to make quarterly report. SEC. 4. *Be it further enacted,* That said State live-stock inspector shall make to the commissioner of the bureau of agriculture a quarterly report of all moneys received and all disbursements made by him during the preceding quarter, accompanied by the proper vouchers.

SEC. 5. *Be it further enacted,* That any and all laws or parts of laws in conflict with this act be, and the same are hereby, repealed.

SEC. 6. *Be it further enacted,* That this act shall take effect from and after its passage, the public welfare requiring it.

Approved, April 16, 1901.

AN ACT To prevent the spread of communicable diseases among domestic animals in the State of Tennessee, and to provide greater protection to the live-stock industry of the State, and to provide penalties for the violation of this act, and to repeal chapter 424 of the acts of 1899, and to amend chapter 46 of the acts of 1897.

Be it enacted by the General Assembly of the State of Tennessee:

Owners must report disease. SECTION 1. That it shall be the duty of the owner or person in charge of any domestic animal or animals who discovers, suspects, or has reason to believe that such animal or animals as aforesaid are afflicted with any communicable disease, to immediately report the fact, belief, or suspicion to the county board of health of the county in which said domestic animal or animals are found.

State officials to cooperate. SEC. 2. *Be it further enacted,* That it shall be the duty of the commissioner of agriculture and State live-stock inspector to cooperate with the officials of the Federal Government, and with those of other States, in establishing interstate quarantine lines, and in enforcing such rules and regulations as shall best protect all live-stock industry of the State against splenic, or Texas, fever.

Investigation of outbreaks. SEC. 3. *Be it further enacted,* That the county board of health of each county, whenever any case or cases of communicable disease among the domestic animals of their county is reported to exist, shall immediately cause the same to be investigated, preferably by a qualified veterinarian, and should such investigation show a reasonable probability that such animal or animals are affected with a communicable disease the said county board of health shall immediately establish such temporary quarantine as may be necessary, in their judgment, to prevent the spread of disease, and shall without delay report all action taken to the State live-stock inspector, and the acts of the said county board of health establishing said temporary quarantine shall have the same force and effect as though established by the commissioner of agriculture and the State live-stock inspector, until such time as they shall take charge of the case or cases, and the county board of health of every county in the State shall adopt and enforce such rules and regulations as said commissioner of agriculture and the State live-stock inspector may prescribe, having for their object the prevention and restriction of splenic, or Texas, fever, or any other communicable disease, among domestic animals which may be either threatened or developed in such localities. And all expenses incurred by the county boards of health in carrying out the provisions of this act shall be a county charge, and shall be paid in like manner as other expenses of the county now are.

Violation of quarantine law. SEC. 4. *Be it further enacted,* That any person, firm, or corporation who shall knowingly import or introduce any cattle or other domestic animal into the State of Tennessee from any district south of the quarantine line, as established, or as may be established by the Secretary of the United States Department of Agriculture, or Congress, which is affected with splenic, or Texas, fever, or which bears upon its or their body or bodies fever ticks (*Boophilus bovis*), or other causes of said diseases, unless such cattle so introduced or imported are immediately slaughtered, or are brought into the State in conformity with such rules and regulations as may be prescribed by the commissioner of agriculture and State live-stock inspector, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any amount not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000), or confined in the

county jail for not less than one nor more than three years, in the discretion of the court.

Owners must submit to investigation.

SEC. 5. *Be it further enacted*, That any person who owns or is in possession of live stock reported or suspected to be affected with any communicable disease, or with insects which may produce such disease, who shall refuse to allow said county board of health, or anyone acting under its orders, or the State live-stock inspector, or anyone acting under his orders, to examine such stock, or who shall hinder or obstruct any of them in any examination of or in any attempt to examine such stock, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).

Owners must confine diseased animals.

SEC. 6. *Be it further enacted*, That any person who shall have in his or her possession any domestic animal affected with any communicable disease or fever tick, knowing such animal to be affected, who shall permit such animal or animals to run at large, or who shall keep such animal or animals where other domestic animals not affected by or previously exposed to such communicable disease, may be exposed to its contagion or infection, or who shall ship, drive, sell, traffic, or give away such animal or animals which have been exposed to such infection or contagion, or who shall move or drive any domestic animal in violation of any direction, rule, regulation, or order of said commissioner of agriculture or live-stock inspector establishing and regulating live-stock quarantine, or the restriction or spread of communicable diseases among domestic animals, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any amount not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) for each of such exposed or diseased domestic animals which he or she shall permit to run at large, or sell, ship, drive, trade, or give away in violation of the provisions of this act: *Provided*, That any owner of domestic animals which have been affected with or exposed to any communicable disease may dispose of the same after having obtained from said commissioner of agriculture, or the live-stock inspector, or the State veterinary surgeon, a certificate of health for such animal or animals.

General supervision.

SEC. 7. *Be it further enacted*, That the commissioner of agriculture and the State live-stock inspector shall have the general supervision of all communicable diseases among domestic animals within, or that may be in transit through the State, and they are empowered to establish quarantine against any animal or animals thus diseased, whether within or without the State, and may make such rules and regulations against the spread and for the suppression of said disease or diseases as in their judgment may seem necessary and proper; and in the enforcement of such rules and regulations they shall have the power to call on any one or more of the peace officers, whose duty it shall be to give all the assistance in their power.

Quarantine must not be evaded.

SEC. 8. *Be it further enacted*, That any person who wilfully hinders, obstructs, or otherwise disregards or evades such quarantine as they may declare, or violate any rule or regulation they shall make in attempting to stamp out or restrict the spread of any disease or diseases aforementioned, or who shall resist any peace officer acting under them, or either of them, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or imprisoned in the county jail for a period of three months, or both, at the discretion of the court.

Owners to report outbreaks.

SEC. 9. *Be it further enacted*, That in the event of any communicable disease aforesaid breaking out or being reasonably suspected to exist in any locality in this State it shall be the duty of the local health authorities, or persons owning or having any interest whatever in said animals, immediately to notify the said live-stock inspector of the fact, when he shall institute such measures for the restriction or stamping out of such disease or diseases as he may think necessary. Any person or persons specified who shall neglect or refuse to notify said live-stock inspector of the existence of any communicable disease, as aforementioned, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than ten dollars (\$10), or confined in the county jail not exceeding two months, or both, at the discretion of the court.

Valuation of condemned animals.

SEC. 10. *Be it further enacted*, That whenever, in the opinion of the State live-stock inspector, the public safety demands the destruction of any animal or animals under the provisions of this act, he shall, before ordering the killing or slaughter-

ing of the same, appoint three competent and disinterested freeholders, who shall be affirmed or sworn before proceeding to act, and they shall make a just and true valuation of said animal or animals to be so killed or slaughtered, and in valuing shall consider the health and condition of the animal when killed, and they shall make and deliver a written certificate, setting forth all the essential facts in the case to the lawful owner, who shall present the same for payment to the chairman of the county court of the county in which such animal or animals are so killed or slaughtered, and the same shall constitute a county charge, to be paid as other claims against the county are.

Trading in diseased stock. SEC. 11. *Be it further enacted,* That any person or persons who knowingly shall import or bring into this State any animal or animals affected with pleuropneumonia, rinderpest, glanders, or any other communicable disease, or who shall sell or trade, or offer for sale or trade, any animal or animals so diseased, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one hundred dollars (\$100), or imprisoned in the county jail for a period not exceeding three months, or both, in the discretion of the court.

Federal action. SEC. 12. *Be it further enacted,* That the governor of the State, with the commissioner of agriculture and the State live-stock inspector, may cooperate with the Government of the United States for carrying out the purposes of this act, and the governor is hereby authorized to receive and receipt for any moneys receivable by this State under the provisions of any act of Congress which may at any time be in force upon this subject, and to pay the same into the State treasury, to be used according to the act of Congress and the provisions of this act as nearly as practicable.

County inspector. SEC. 13. *Be it further enacted,* That there may be appointed by the county board of health of each county in the State a competent person, to be known as county live-stock inspector, and whose appointment shall be ratified or rejected at the first term of the quarterly court following appointment, whose duty it shall be to look after the detection and suppression of communicable diseases among domestic animals in his county, and whose compensation shall be fixed by the county court of his county and paid out of the county treasury.

Veterinary surgeon. SEC. 14. *Be it further enacted,* That the commissioner of agriculture and the State live-stock inspector may, when they see proper, employ a competent veterinary surgeon, who shall work under their direction and supervision, and whose compensation shall not exceed the appropriation made for him by law, and who may at any time be discharged by said commissioner and inspector.

Act of 1899 repealed. SEC. 15. *Be it further enacted,* That chapter 424 of the acts of 1899, entitled "An act to amend an act passed March 24, 1897, and approved March 26, 1897, entitled 'An act to reorganize the State board of health of the State of Tennessee,'" be and is hereby repealed.

Act of 1897 repealed. SEC. 16. *Be it further enacted,* That chapter 46 of the acts of 1897, entitled "An act to reorganize the State board of health of the State of Tennessee," be and is hereby amended as follows:

First. By striking out of section 1 the words "one representative live-stock breeder actually engaged in the breeding of live stock."

Second. By striking out of section 2 the words "and one representative live-stock breeder."

Third. By striking out of section 4 the words "the term of office of the representative of the live-stock breeders of the State shall be for six years from date of appointment."

Fourth. By abolishing the office of the live-stock breeder on the State board of health.

SEC. 17. *Be it further enacted,* That this act take effect from and after its passage, the public welfare requiring it.

Approved April 20, 1901.

VERMONT.

AN ACT In amendment of section 4815, chapter 203, of Vermont statutes, relating to the appraisal of animals slaughtered by order of the board of agriculture.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Chapter 4815, of the Vermont statutes is hereby amended to read as follows:

"SEC. 4815. The value of all cattle or other domestic animals, killed by the written order of the board of agriculture, shall be appraised by one of said board and a disinterested person selected by the owner of the condemned animals, but if these two can not agree upon the amount of the appraised value of the animal, they shall select a third disinterested person, who, together with them, shall appraise the animal; such appraisal to be made just before killing, and on a basis of health. The limit of the appraisal of cattle shall be forty dollars (\$40.) A postmortem examination shall be made, and, if the animal be found affected with bovine tuberculosis or any disease dangerous to the public health, the owner of the animal shall receive one-half the appraised value; but if no bovine tuberculosis or disease dangerous to the public health be found, the owner of the animal shall receive the full amount of the appraisal, and in addition shall receive the slaughtered animal. The amount which the owner is entitled to receive shall be paid by the State to the owner of such animal or animals upon a written order, signed by the member of the board in charge and countersigned by the secretary of said board. No indemnity shall be paid to the owner of condemned cattle or other domestic animals that have not been owned and kept in the State for at least six months previous to the discovery of the disease, unless such animals have been, at time of importation, duly examined under the regulations of the board and pronounced free from disease."

Penalty. Any person who shall knowingly violate or refuse to comply with any regulations made by such board of agriculture, under the authority and provisions of this section, shall be fined not more than two hundred dollars (\$200) or imprisoned not more than two years, or both.

Approved, November 22, 1900

WASHINGTON.

AN ACT To create the office of sheep inspector and prescribe the duties thereof; to prevent the spread of contagious and infectious diseases among sheep; to provide for the collection of damages for the spreading of disease among sheep; and to repeal an act entitled "An act in relation to and to prevent the introduction or spread of disease among sheep, approved February 2, 1888," and to repeal an act entitled "An act in relation to and [to] prevent the introduction or spread of disease among sheep," approved February 26, 1897, and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Appointment of sheep inspector. SECTION 1. The county commissioners of each county in this State may, immediately upon this act going into effect, appoint a qualified person as sheep inspector, for and within the boundaries of their counties, who shall hold office until noon on the second Monday in January, 1903, and until his successor is appointed and has qualified as herein provided; any vacancies by resignation, or otherwise, in said office shall be immediately filled by said county commissioners: *Provided, however,* That the county commissioners of any county may at any time remove said sheep inspector from office and declare the said office vacant, without a hearing or without assigning any cause therefor, for such reasons alone as may cause them to deem it expedient to act in the premises.

Election of successor. SEC. 2. At the regular meeting of the board of county commissioners next prior to the second Monday in January, 1903, said county commissioners may elect a sheep inspector, whose term of office shall begin at noon on the second Monday in January, 1903, and continue for a period of two years, unless sooner removed as hereinbefore provided, and until his successor is elected and has qualified, and said county commissioners shall elect a sheep inspector each two years thereafter at such meeting, who shall from time to time hold office upon the conditions above and herein provided.

Oath and bond. SEC. 3. The sheep inspector before entering upon the discharge of the duties of his office shall take an oath of office, and enter into a bond, with two or more sureties, to be approved by the county commissioners, in

the penal sum of two thousand dollars (\$2,000), conditioned for the faithful performance of his duties as such sheep inspector.

Inspector may appoint two deputies. SEC. 4. Such inspector shall have the power to appoint not more than two deputies, for whose acts he shall in all cases be responsible, and by whom he may perform any act or duty required of him by law. Each inspector shall be provided with a seal of office, which shall be inscribed in substance as follows: "Sheep inspector of _____ County, Washington," and each official certificate, notice, or report of such inspector shall be authenticated by such seal.

Quarantine regulations. SEC. 5. Whenever it is shown to the sheep inspector of any county that scab, or scabies, or any contagious or infectious disease is epidemic in certain localities in any county of this State or other State, Territory, province, or country, the said inspector must thereupon designate such locality or localities and prohibit the importation from such locality or localities of any sheep into his county, except under such restrictions as are provided for in this act. This action upon the part of the said inspector shall be known as and shall be deemed to be a quarantine against such locality or localities, and the sheep inspector shall file a notice of such quarantine attested under the seal of his office with the county auditor of his county, who shall provide and keep a book, which shall be properly indexed and open to the public during the office hours of said office, in which said notice shall be transcribed, said book to be designated as the "Sheep Quarantine Register" of said county, and a copy of said notice shall be posted at the front door of the court-house of said county by the said inspector at the time the same is filed with the said auditor, and this shall be deemed to be full notice to all parties concerned of the existence of the sheep quarantine, and it shall be the duty of the inspector to raise the said quarantine when he discovers that the cause for its existence has ceased, and it shall be his duty from time to time to ascertain the condition in the quarantined locality or localities so as to raise said quarantine when he discovers that the cause for its existence has ceased; and upon said quarantine being raised, said inspector shall give notice of its rescission with the county auditor of his county, and post a copy of said notice at the front door of the court-house of said county, and said auditor shall transcribe said notice of rescission in the same book and in the same manner as he has transcribed the notice of the quarantine.

Importers to notify inspector. SEC. 6. Upon notice that a quarantine has been placed on record as hereinbefore provided for against any locality or localities, the owner or person in charge of any sheep which are intended to be brought into the said county from localities quarantined against, as provided in the next preceding section, must forthwith notify the sheep inspector of said county of such intention, and such owner or person in charge shall not allow any sheep from said locality so quarantined against to be brought into the said county doing the quarantining until such sheep have been quarantined and inspected by the sheep inspector as provided in the next succeeding section: *Provided*, That this section shall not apply to sheep being transported upon any railroad or steamer lines through the State of Washington to points beyond the limits of said State, and which are not allowed to graze upon the public range of said State while being so transported.

Inspection before entry into State. SEC. 7. Upon receiving notice of the intention of the owner or person in charge of any sheep, as provided in the last preceding section, to bring such sheep into any county of this State from any quarantined district, the sheep inspector of such county shall forthwith proceed to examine and inspect such sheep before they are brought into the State, and shall cause such sheep to be kept within certain limits designated by him for a period of sixty days, and shall cause the owner or person in charge of such sheep to dip them or otherwise treat them for the disease prevalent in the quarantined district; if at the expiration of said sixty days the said sheep inspector shall find the said sheep are free from scab, or scabies, and all contagious and infectious diseases, he shall issue a certificate to the owner or person in charge of such sheep permitting them to be brought into this State. When the county doing the quarantining is not one of the border counties of this State, and sheep from the quarantined localities have been permitted to be brought into the State by the inspector of the county or counties between said quarantining county and the border of the locality quarantined against, no certificate of the intermediary counties shall be final or binding upon the inspector of the county doing the quarantining, and such certificate shall not permit the owner or person having control of such sheep to bring them into the county quarantining upon such certificate, but in such a case the owner or person in charge of such sheep shall notify the sheep inspector of the county doing the quarantining of his intention to bring said sheep into said county and hold said sheep on the boundary of said county until the sheep inspector of said county shall reach such

sheep, which he shall do as speedily as possible; the said sheep inspector shall then cause such sheep to be kept within certain limits designated by him for a period of sixty days, and shall cause the owner or person in charge of such sheep to dip such sheep or otherwise treat them for the disease prevalent in the quarantined district; if at the expiration of said time the said sheep inspector shall find that such sheep are free from scab, or scabies, and all contagious and infectious diseases, he shall issue a certificate to the owner or person in charge of such sheep permitting them to be brought into his county: *Provided, however,* That if said sheep have been quarantined as provided by this act in any other county in this State after coming into this State, said sheep not having been taken out of the State in the meantime, then the sheep inspector of the county into which the said sheep are to be brought, after satisfying himself that said sheep have been duly and properly quarantined as provided for in this act in such other county or counties, and are in a healthy condition, shall endorse this fact upon the certificate already possessed by the owner or person in charge of said sheep, which shall be deemed to be a certificate from the quarantining county, and shall be sufficient to permit said sheep to be brought lawfully into said county, and to travel therein until revoked or until such sheep become diseased.

Treatment of sheep on entering State.

SEC. 8. Any person who is about to bring sheep into this State from any other State, Territory, province, or country must, before he brings said sheep into this State, notify the sheep inspector of the county in which he intends to first bring said sheep of the fact that he is about to bring said sheep into said county, the section from whence he intends to bring said sheep, and the time, as near as he can tell, when said sheep will arrive in said county. It shall then become the duty of said sheep inspector to be on hand at the time of the arrival of said sheep and inspect the same and cause the same to be confined within certain limits to be designated by him, the said sheep inspector. The said inspector shall also cause the said sheep to be dipped within ten days after the arrival of the said sheep in said county. The said sheep shall be kept within the boundaries prescribed or which may be prescribed from time to time by the said sheep inspector for the period of thirty days after they are dipped, when the inspector shall again inspect the sheep, when he may, in his discretion, if he finds said sheep are diseased or has any reasonable doubts as to the said sheep being in good condition, cause the same to be dipped and treated; and if he deems the same necessary to prevent the scattering of any contagious or infectious disease, he shall require the said sheep to be confined within certain limits for an additional period of thirty days.

Unlawful to move diseased sheep.

SEC. 9. No person shall move or cause to be moved any sheep from any county to another in this State unless said sheep are sound and healthy and free from scab, or scabies, and all infectious and contagious diseases, which condition shall be solely evidenced by a certificate of the inspector, or his deputy, of the county from which said sheep are to be moved, obtained within ninety days immediately preceding such removal.

Inspection by request; certificates.

SEC. 10. It shall be the duty of any sheep inspector, upon the request of any person, to visit and inspect any band of sheep within his county (or within five miles of the line of the State in another State or Territory); and if at the time of such inspection such sheep are healthy and free from scab, or scabies, and all infectious and contagious diseases, said inspector shall cause [issue to] the owner or person in charge of such sheep a certificate to that effect; and if he finds said sheep not healthy and infected with scab, or scabies, or other contagious or infectious diseases, he shall revoke any certificate which may have been issued by him showing such sheep to be in good condition, and such certificate so revoked shall thereafter be null and void and shall be no protection whatever thereafter to the person holding the same, and such person, on demand, shall deliver the same to such inspector forthwith.

Unlawful to import diseased sheep.

SEC. 11. It shall be unlawful hereafter for any person, company, or corporation to bring into this State any sheep infected with the scab, or scabies, or any other infectious or contagious disease, and it shall also be unlawful for any person to bring into this State any sheep which have not been free from all evidence of scab, or scabies, or any contagious or infectious disease for at least three months prior to the time said sheep are brought into the State.

Isolation of diseased sheep.

SEC. 12. Any person owning or having charge of any sheep infected with scab, or scabies, or any infectious or contagious disease shall keep the same and all sheep with which such sheep have been in contact, and the band or herd in which said sheep have been

kept, secure from contact with other sheep and shall not drive or permit the same to go upon any public road or highway or any inclosed or uninclosed land not owned or leased by such person: *Provided*, That such sheep may be moved or driven upon public roads or highways by first obtaining the written permission of the sheep inspector of the county wherein such sheep may be, which permission shall state the time within which such sheep are to be moved, the place to and from which they are to be moved, and the route to be traveled: *Provided*, That nothing contained herein shall be construed as giving any inspector any authority to grant any person any right to herd said sheep or the band or herd with which such sheep have been kept upon any public road or highway or any traveled trail or road.

Duties of inspectors. SEC. 13. It shall be the duty of each sheep inspector to visit and inspect every band of sheep within his county during the months of April or May each year; and at such other times when he is informed in writing, or has reason to believe, that any sheep within his county are infected with scab, or scabies, or any infectious or contagious disease, he shall immediately visit such sheep and inspect the same, and upon request of sheep owners representing at least fifty thousand head of sheep he shall also inspect all the sheep in his county also between the 25th day of August and the 25th day of September of any year when so requested.

Regulations for diseased sheep. SEC. 14. Whenever upon inspection of any band or herd of sheep, or of any sheep, in any county of the State of Washington the sheep inspector of such county shall find any of said sheep affected with scab, or scabies, or other infectious or contagious disease, he shall forthwith notify the owner or person in charge of such sheep, in writing, to put such diseased sheep and the herd, or band, in which they have been kept into an enclosure, or, if such sheep are on the range, to put and keep such diseased sheep and the herd or band in which they have been kept within certain limits, which shall be designated and defined in such notice by reference to natural or artificial objects, and which shall be known and designated in this act as the "sheep quarantine limits," and the inspector shall require the owner or person in charge of such sheep to proceed immediately to treat such sheep and the band, or herd, in which they have been kept for the cure of such disease, by some means approved by the inspector, provided that when a dip is used the dip hereinafter provided for shall be used; and any person who shall neglect for three days after the service of such notice to put such sheep into an enclosure, or within the limits designated by such inspector, or shall refuse or neglect to proceed to treat such sheep for the cure of such disease by a remedy approved by the inspector and herein provided within three days after the time fixed by the inspector, which must be reasonable and give ample time to said party to prepare to dip and treat said sheep, shall be deemed guilty of a misdemeanor; and for each day of such neglect or refusal to comply with the order of said inspector after three days from the date of said notice such person shall be deemed guilty of a separate misdemeanor, and, in addition to the punishment provided for in this act, the inspector shall take charge of such sheep and place them within a proper enclosure or within proper limits and keep them there, and cause them to be treated as directed, and the expense of such seizure, keeping, and treatment, together with the fees of the inspector, shall be a charge on the sheep so seized, and shall be a lien thereon prior to any other lien upon said sheep.

Owners must assist inspectors. SEC. 15. The sheep inspector shall have the authority to corral any sheep which he may desire to examine and the person having charge of such sheep shall, when so requested, assist the said inspector in catching and examining said sheep, and any person being the owner, or in charge thereof, or assisting to care for, any sheep who shall refuse to assist said inspector, when requested as hereinbefore provided, and any person who shall secrete any diseased sheep to prevent the inspector from examining the same, or who shall prevent the inspector from examining any sheep, or in any way interfere with such inspector discharging the duties of his office, shall be deemed guilty of a misdemeanor. Any person who shall drive any sheep or cause any sheep to be driven upon or within the limits set apart for any quarantined sheep by a sheep inspector while the same are being occupied by such quarantined sheep, and any person who shall drive any sheep, or cause any sheep within such quarantine limits to be driven, out of the said quarantine limits shall be deemed guilty of a misdemeanor: *Provided, however*, That the sheep inspector shall not quarantine any sheep within three miles of any shearing corral, except corrals owned by the owners of said sheep or leased by him [them].

Inspector may change quarantine limits.

SEC. 16. The sheep inspector shall have the authority, upon written application of the owner or person in charge of any quarantined sheep, to change the quarantine limits of such sheep for the purpose of procuring sufficient feed for such sheep, and to reestablish new quarantine limits, and this may be done from time to time in the discretion of the inspector.

Certificate necessary for travel.

SEC. 17. No owner of any toll bridge or ferry boat, or person in charge thereof, shall permit any sheep to cross any bridge or go upon any ferry boat in charge of such person or persons, unless the person in charge of such sheep shall first exhibit to the person in charge of such bridge or boat a valid certificate issued by an inspector appointed under this act, to the effect that such sheep are free from scab, or scabies, or any contagious or infectious disease.

Certificates void after one year.

SEC. 18. Every certificate issued under this act to the owner of sheep continuously kept within this State shall be null and void after one year from the date thereof, and every certificate issued to the owner of any band, or herd, of sheep which are not continuously kept within this State during the year which such certificate was issued shall expire upon such sheep being driven out of this State at any time after said certificate has been issued.

Salary of inspectors.

SEC. 19. Every sheep inspector and deputy inspector shall be paid five dollars (\$5) per day for each day when necessarily engaged in the duties of his office and five (5) cents per mile for each mile necessarily traveled by him for such purpose, and his bills for such purposes shall be audited and paid by the county commissioners of the county from which he was appointed.

Unlawful to drive without certificate.

SEC. 20. No person shall drive any sheep or cause any sheep to be driven upon the public roads, upon the public ranges, or traveled trails or roads within this State except as herein provided, unless he has a valid certificate showing that said sheep are free from scab, or scabies, or infectious or contagious disease.

Liability for damages.

SEC. 21. Nothing in this act shall be construed as exempting any person owning sheep from liability in a civil action for damages for negligently or carelessly spreading scab, or scabies, or any other contagious or infectious diseases, but any person so spreading or causing said disease to be spread, either personally or through his agents in charge of sheep belonging to him, shall be liable in a civil action for damages sustained by any other person for injury to such other person's sheep by the infecting of such sheep with the scab, or scabies, or any other contagious or infectious disease, the same as if this act had not been passed, and no certificate issued under the provisions of this act shall be any defense or excuse in an action for damages of this character. Any damages that may be recovered in such a civil action for damages shall be a lien upon the sheep infected as stated herein by any other band or herd of sheep, for which infection such suit may have been brought, and the court in rendering judgment in any action brought for such damages shall declare such judgment to be a lien upon such sheep and direct them to be sold under special execution to pay such judgment.

Legal action and attorneys' fees.

SEC. 22. The liens herein provided for shall be foreclosed by an action brought in the superior court for the county wherein the lien originated in the name of the said county by the prosecuting attorney for said county as chattel mortgages are foreclosed, by a suit in the superior court, and upon commencing such an action in said court the prosecuting attorney shall immediately move for the appointment of a receiver to take charge of said sheep and keep the same pending the action, and it shall be the duty of the court to appoint such receiver without notice, and all the expenses thereof and all the costs that are taxed in civil actions between individuals shall be taxed up in favor of the county in such a proceeding, and an attorney's fee of fifty dollars (\$50) shall be taxed in such a proceeding in addition to the attorney's fee allowed by law in a civil action, and all the said costs and attorney's fees shall be paid into the county treasury and shall be credited to the same fund to which the fees collected by county officers are credited: *Provided*, That the sheep inspector may employ an attorney to assist the prosecuting attorney in such case, when said attorney's fees shall go to such attorney so employed.

Fraud by inspector.

SEC. 23. The sheep inspector and his deputies shall in case that they or either of them, or any of them, shall act fraudulently in administering this law, or enter into collusion with any person to evade

it or to avoid the consequences of its violation, shall be deemed guilty of a misdemeanor, and punished as hereinafter provided.

Return of sheep illegally moved. SEC. 24. Sheep brought into any county in this State or moved through the said county without a proper certificate shall be returned under the direction of the sheep inspector to the place from which they were so illegally moved, should the same be in the county where they are found, and if such place should be without the county, they shall be moved to the border of the county where they are so found, and they shall there be held by the sheep inspector until the charges for driving said sheep or conveying said sheep to said point have been paid, including five dollars (\$5) per day for the inspector or his deputy while engaged in such work, and such expenses shall be a lien against said sheep, and shall be enforced as other liens herein provided are enforced: *Provided*, That said sheep shall only remain in the hands of the inspector until the appointment of a receiver by the court to take charge of the same, and it shall be the inspector's duty to see that this is done speedily.

Location of quarantine lines. SEC. 25. In establishing the quarantine limits herein provided for the same shall be established only upon the range or land leased or owned by the owner of the sheep or the person in charge thereof, except where the same can be established on public lands of the United States, not the customary range of another, or lands obtained from private parties by their consent, either by the sheep inspector or the owner of said sheep, or the person in charge thereof; and in case it shall become necessary for said sheep to be driven or transported to a place where the same may be quarantined without infringing the rights of others, the sheep inspector shall carefully provide the route to be taken by said sheep and supervise the movement thereof, and see to it that said sheep shall not come into contact with other sheep or near enough to affect them with the scab, or scabies, or any other contagious or infectious disease.

Disease must be reported. SEC. 26. It is hereby made the duty of every sheep owner and of every person having charge of sheep, or herding or working with sheep in any capacity, to report to the sheep inspector of the county where such sheep are located the existence of scab, or scabies, or any other contagious or infectious disease among said sheep as soon as possible after such person has knowledge of the existence thereof, and any such person who fails to give such information to such sheep inspector, or who knowingly or wilfully conceals the existence of such disease or diseases amongst the sheep owned by him, or in his charge, or being herded by him or with which he is working in any capacity, shall be guilty of a misdemeanor, and punished as hereinafter provided.

Constitutionality. SEC. 27. In the event of any part of this act being declared invalid or unconstitutional by any court, the remainder of the act shall be and remain in full force and effect.

Words defined. SEC. 28. The word "person" as used in this act shall include corporations, firms, associations, and companies, as well as individuals, and the words "sheep inspector" or "inspectors" wherever used herein shall be deemed to be used as "sheep inspector" as established in this act, and the word "deputy" or "deputies" shall be deemed to follow the word "inspector" wherever used in this act.

General penalty. SEC. 29. Any person who shall violate this act, or any part thereof, shall be deemed to be guilty of a misdemeanor, and on conviction thereof shall be fined not less than two hundred and fifty dollars (\$250) nor more than five hundred dollars (\$500), or be punished by confinement in the county jail for not less than thirty days nor more than six months, and for the commission of the acts herein which are specifically declared in various parts of this act to be misdemeanors, aside from the general provisions contained in this section, the person guilty thereof shall be punishable by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or by confinement in the county jail for not less than ten days nor more than six months.

Laws of 1888 and 1897 repealed. SEC. 30. The act of the legislative assembly of the Territory of Washington approved February 2, 1888, entitled "An act in relation to and to prevent the introduction or spread of disease among sheep," and the act of the legislature of the State of Washington approved February 26, 1887, and entitled "An act in relation to and to prevent the introduction or spread of disease among sheep, and repealing an act in relation to and to prevent the introduction or spread of disease among sheep, approved February 2, 1888, and declaring an emergency," are each hereby repealed, and all other acts and parts of acts in conflict with this act are hereby repealed.

Emergency. SEC. 31. An emergency exists, and this act shall take effect immediately.

Approved March 16, 1901.

AN ACT To amend sections 2 and 5 of an act entitled "An act providing for the creation of the office of the State veterinary surgeon and defining his duties," approved March 22, 1895.

Be it enacted by the Legislature of the State of Washington:

Duties of State veterinarian. SECTION 1. That section 2 of an act approved March 22, 1895, entitled "An act providing for the creation of the office of the State veterinary surgeon and defining his duties," be, and the same is hereby, amended to read as follows:

"SEC. 2. He shall have general supervision of all contagious and infectious diseases among domestic animals within or that may be in transit through the State, and he is authorized and empowered to inspect and test all cattle within the State for tuberculosis whenever in his judgment it is deemed advisable, and he is empowered to establish quarantine against any and all such animals affected with any contagious or infectious disease or diseases, or that have been exposed to others thus diseased, whether within or without the State; and he may, with the concurrence of the State board of health, make such rules and regulations as he may deem necessary for the protection against the spread and for the suppression of said disease or diseases, which rules and regulations, after the concurrence of the governor, shall be published and enforced, and in doing said things, or any of them, he shall have the power to call on any one or more peace officers, whose duty it shall be to give him all the assistance in their power."

Destruction of diseased animals. SEC. 3. That section 5 of said act be amended to read as follows:

"SEC. 5. Whenever in the opinion of the State veterinary surgeon the public welfare demands the destruction of any diseased animal under the provisions of this act, he shall cause the same to be destroyed. No stock shall be destroyed except on the written order of the State veterinary surgeon. The governor of the State, with the State veterinary surgeon, may cooperate with the Government of the United States for the object of this act, and the governor is hereby authorized to receive and receipt for any money receivable by this State through provisions of any act of Congress which may at any time be in force upon this subject, and to pay the same into the State treasury to be used according to the act of Congress and the provisions of this act."

Approved March 16, 1901.

WEST VIRGINIA.

AN ACT To prevent the introduction and spread of contagious diseases among domestic animals.

Be it enacted by the Legislature of West Virginia:

That chapter fifty-three of the acts of one thousand eight hundred and ninety-nine be amended and reenacted and additional section added thereto, so as to read as follows:

Quarantine regulations. 1. That when it shall be brought to the notice of the secretary of the board of agriculture that any contagious or infectious disease not otherwise provided for by law prevails among domestic animals, he shall take such measures to prevent its spread as may be deemed expedient, and for this purpose shall give written instructions or permits to one or more of his consulting veterinarians of the State board, giving him or them power to place infected animals, herds, buildings, lots, and farms in quarantine and to prevent the movement of animals or objects likely to carry the contagion, except on proper permits by one or more of the said consulting veterinarians.

Veterinarian to report. 2. All the work of the veterinarians shall be promptly and fully reported to the secretary on such blanks and forms as he may supply, and with the consent and approval of the board, and such rules and regulations for the government of such quarantine as may be deemed necessary to effectively carry out the provisions of this act may be adopted and enforced.

Penalty for violation. 3. That any person, persons, or corporation who shall fail to report to the said secretary any importation of any domestic animals for breeding purposes into this State, or who shall wilfully or intentionally interfere with any officer or officers authorized to carry out the provisions of this act, or who shall wilfully or intentionally violate the provisions of the quarantine authorized in this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be liable to imprisonment of not exceeding three months, or a fine not exceeding one hundred dollars (\$100), or both, at the discretion of the court.

Inspection of herds. 4. That it shall be the duty of the said consulting veterinarian, under the direction and control of the secretary, to visit once a year, at such time as the secretary may direct, and examine, and, if deemed necessary, test in a proper manner all thoroughbred herds of twenty or more within this State which are kept for the purpose of producing animals for breeding purposes and to be sold to the public as such. Should the veterinarian making the examination find such animals free from any contagious or infectious disease, he shall issue to the owner or owners a certificate stating that fact. Should he find any contagious or infectious disease prevailing, he shall then proceed as authorized in section seven of this act. It shall further be the duty of said consulting veterinarian, under the same direction and control, to visit annually, at such time as the secretary may direct, and inspect, and, if deemed necessary, thoroughly test all dairy herds of ten or more cows within this State, the products of which are sold to the public. Should the animals prove to be free from any contagious or infectious disease, said veterinarian shall issue to the owner or owners of such herd a certificate to that effect. Should any of the animals prove to be affected with tuberculosis or any other disease of a dangerous nature, it shall then be the duty of said veterinarian to proceed as authorized in section seven of this act.

Charges of veterinarian. For such services as are not prescribed for in this act said consulting veterinarian shall receive a per diem of four dollars (\$4) per day for actual time of service, which shall be paid by the owner or owners of animals that are examined. The actual traveling and other expenses incurred by said veterinarian shall be paid by the State board of agriculture out of current appropriations for the purpose, on an order signed by the president and secretary of the said board. Full and complete reports of all services performed by the veterinarian shall be promptly made to the said secretary, on such blanks as he may supply and in such form as he may require.

Cases to be reported. 5. That it shall be the duty of the consulting veterinarians having cases in charge to report the same fully and promptly to the said secretary, in such form as he may prescribe.

Powers of veterinarian. 6. That when in the judgment of the secretary of the board public interest and safety demand it, he may give written authority to any consulting veterinarian of the board, who shall be a graduate of some reputable veterinary college, to examine any animal or animals or any buildings or farms suspected, and the decision of such veterinarian, after proper examination and under the provisions of this act and such rules and regulations as the board may prescribe, shall be final, and said veterinarian may proceed to quarantine, to destroy, to order burned or buried, or to take any other action authorized by this act and the rules of said board.

Compensation. For such services the veterinarian shall receive a per diem of four dollars (\$4) per day and actual expenses while engaged, which shall be paid out of the current appropriations made for the enforcement of this act and on an order signed by the president and secretary of the board.

Appraisements. 7. That when it shall be found necessary or expedient to kill any animal or animals to prevent the spread of contagious or infectious diseases, it or they shall first be appraised by three disinterested and sworn appraisers, who shall have due consideration of the actual condition of the animal or animals at the appraisement, and the owner or owners of such animal or animals so destroyed shall be entitled to receive from the secretary of the board of agriculture a certificate of value, as appraised by said appraisers, subject to the consent and approval of said board. For such services each appraiser shall receive a per diem of one dollar (\$1) per day, to be paid out of current appropriations made for the enforcement of this act and on an order signed by the president and secretary of the said board.

Payment for animals slaughtered. 8. That at the end of each fiscal year the holders of such certificates of value shall be paid the same from the current appropriations made for the purpose: *Provided*, That the amount to be paid on such certificates in any one year shall not exceed the sum of five thousand dollars (\$5,000), which amount shall be paid pro rata at the end of each fiscal year, on an order signed by the president and secretary of the State board of agriculture.

Cooperation with United States Government. 9. That for the economical eradication of contagious or infectious diseases of domestic animals the secretary of the State board of agriculture shall have power, with the approval and consent of said board, to arrange for and carry into effect terms of cooperation with the proper officers of the National Government.

Repealing clause. 10. That all acts or parts of acts inconsistent herewith are hereby repealed.

Passed February 21, 1901. In effect ninety days from passage.

Approved February 22, 1901.

WISCONSIN.

AN ACT For the establishment of a live-stock sanitary board.

The people of the State of Wisconsin represented in Senate and Assembly do enact as follows:

Constitution of board. SECTION 1. There is hereby constituted a State live-stock sanitary board, which shall consist of three members of the State board of agriculture, to be chosen by that body from its membership, the bacteriologist of the State agricultural college, and the State veterinarian; the last two mentioned members to be ex officio members of the board, and the State veterinarian to serve without additional compensation. The members selected from the State board of agriculture shall hold office for a term of three years, except that the member first chosen shall hold his position for one year, the second for two years, and the third for three years from the first day of June, 1901.

Compensation of members. They shall serve without salary, but shall be paid three dollars (\$3) per day, and all members of the board shall be paid their actual expenses when in the discharge of their duties. Meetings of the board shall be limited to twelve in each year, and the service of no member on said board, for which a per diem is paid, shall exceed thirty days in any one year. The board may organize by the election of a president and secretary and shall hold its office in such room in the capitol as the governor may designate.

Duties of board. SEC. 2. It shall be the duty of the State live-stock sanitary board to protect the health of domestic animals of the State; to determine and employ the most efficient and practical means for the prevention, suppression, control, or eradication of dangerous, contagious, or infectious diseases among domestic animals; and for these purposes it is hereby authorized and empowered to establish, maintain, enforce, and regulate such quarantine and other measures relating to the movement and care of animals and their products, the disinfection of suspected localities and articles and the disposition of animals, as it may deem necessary, and to adopt from time to time all such regulations as may be necessary and proper for carrying out the purposes of this act: *Provided, however*, In the case of slowly contagious diseases, only suspected or diseased animals shall be quarantined, and in case of bovine tuberculosis or actinomycosis, the owner shall be granted the option of retaining the animals in quarantine, under such restrictions as the board may prescribe.

Slaughter and appraisalment of animals. SEC. 3. Whenever the owner shall not exercise option and it shall be deemed necessary by the board to slaughter diseased animals, written notice shall be given to the owner, his agent, or the person in charge of such animals, and to a justice of the peace in the county in which the animals may be, of the purpose to order the slaughter thereof, giving the number and description of the animals and the name of the owner, if known. Such notice shall be entered on the docket of such justice, who shall immediately thereafter summon such owner, agent, or possessor, and also three disinterested citizens of the county, not residents of the immediate neighborhood in which such animals are owned or kept, to appraise the value

thereof. Such appraisers shall, before entering upon the discharge of their duties, be sworn by such justice to make a true appraisalment without prejudice or favor of the value of such animals, and they shall certify in their return that they have seen the appraised animals slaughtered. In making appraisalment of diseased animals the appraisers shall determine their value in the condition in which they are found at the time of appraisalment; but the appraised value of no single animal shall exceed fifty dollars (\$50). If such appraised animals are slaughtered, said slaughter shall be made under the direction of the local health officer or the chairman of the town board. The owner of slaughtered animals shall receive no compensation for the same until the live-stock sanitary board is satisfied that the infected premises have been disinfected in such a manner as to prevent the further spread of disease.

Importations may be prohibited. SEC. 4. Whenever the State live-stock sanitary board shall have reason to believe that there is danger of the introduction into this State of any contagious or infectious disease prevailing among domestic animals in any district outside this State, or its dissemination from one district in this State to another, it shall investigate the existing conditions, and if it conclude that danger exists to the live-stock interests of this State therefrom, it may, with the advice and consent of the governor, prohibit the importation of animals of the kind diseased from the infected district into this State, or the moving of them from one part of the State to another, except under such regulations as the board may establish.

Owners must report disease. It shall be the duty of every person who shall have reason to suspect that there is upon his premises, or upon the premises occupied by him, or under his control, any domestic animal having a contagious or infectious disease, to immediately report the fact to the local board of health or some member of the same, who shall immediately report such case to the State veterinarian or the secretary of the board. The board or State veterinarian may require the owner of suspected stock to employ at his own expense a qualified veterinary surgeon to examine such stock and determine whether, in his opinion, the disease exists.

Premises may be entered. This board or any member thereof may enter upon any premises or go into any building or place where he has reason to suspect there may be diseased animals and examine the same, and may call to his aid, if necessary, the sheriff or any constable of the county in which such animals may be located; and all such officers when so called upon shall assist such board or member thereof in the enforcement of the provisions of this act. Animals in transit in the State are hereby declared to be under the provisions of this act.

Claims for slaughtered animals. SEC. 5. All claims against the State arising from the slaughter of animals, as above provided, shall be made by filing with the secretary of state a copy of the State veterinarian's notice to the justice of the peace, and the return of the appraisers to the justice, which notice and return shall be certified by him. The secretary of State shall examine these, and if satisfied that the amount awarded is just and that the owner of the animals slaughtered is entitled to indemnity, shall issue his warrant for two-thirds of the sum named in such return; but if he shall have reason to believe that the appraised value is greater than the real value of such animals he shall pay such owner such less sum as he may deem just: *Provided*, That the right to indemnity shall not exist nor shall payment be made in either of the following cases: First, for animals owned by the United States, this State, or any county, city, town, or village in this State; second, for animals brought into this State contrary to the provisions of this act, or where the owner of the animal or the person claiming compensation has failed to comply with the provisions of the same; third, when the owner or claimant, at the time of coming into possession of the animal knew, or had good reason to believe, it to be afflicted with a contagious or infectious disease; fourth, when the animal slaughtered was diseased at the time of its arrival in this State; fifth, when the owner shall have been guilty of negligence or has wilfully exposed such animal to the influences of a contagious or infectious disease.

Allowance for experiments. SEC. 6. The State live-stock sanitary board shall be allowed, for experimental purposes, with the consent and approval of the governor, a sum not to exceed five hundred dollars (\$500) annually, which bills of expenditure shall be audited and approved by the governor. It shall from time to time issue such bulletins of information as it may deem advisable, which, with the report of the board to be made to the governor in October of each year, shall be printed by the commissioners of public printing, the bulletins in such number as the governor may approve, and one thousand copies of the report of this board, five hundred of which shall be bound.

Assistant veterinary surgeons. The State veterinarian is hereby authorized to call to his assistance, as may be necessary in the performance of his work, duly qualified veterinary surgeons, who shall be paid for their services at the rate of seven dollars (\$7) per day and their actual expenses for the time they are actually employed as assistants. Their accounts shall be audited upon itemized vouchers, certified to by the State veterinarian and approved by the governor; but no person shall be considered a veterinary surgeon within the meaning of this act who is not a regular graduate in good standing of some recognized veterinary college in the United States, Canada, or Europe.

Compensation for appraisers, etc. The appraisers herein provided for shall receive two dollars (\$2) for each day actually employed as such, which amount shall be paid out of the county treasury, upon the certificate of the justice by whom they were summoned. The justice of the peace and other officers who may perform any duty hereunder shall have the same fees as are allowed by law in criminal proceedings in justice courts, and shall be paid by the county in which their services are performed.

Office supplies. SEC. 7. The superintendent of public property is hereby instructed to furnish the State live-stock sanitary board with the necessary stationery and postage stamps for its work.

Repealing clause. SEC. 8. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after June first, 1901.

Approved May 15, 1901.